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*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION*

CRIMINAL BAIL APPLICATION No. 674 of 2015

IN

CRIMINAL APPEAL No. 43 of 2015.

WITH

CRIMINAL APPLICATION No. 395 of 2015

IN

CRIMINAL APPEAL No.43 of 2015.

Shankar Chandu Khavdiya

..Applicant.

Vs

State of Maharashtra

..Respondent.

Mr Ravindra Shetty a/with Ajay Tripathi for the Applicant.

Mrs P.P. Bhosale APP for the State.

*Mr Madhav Maruti More, (P.I.) MRA Marg, P.S. Investigating Officer
is present in the Court.*

CORAM : A.R.JOSHI,J

DATE : 18th JUNE, 2015

P.C. :

1. Vide order dated 22nd January, 2015 directions were given by this Court (Coram : Smt. S.S.Jadhav,J) to issue notice of enhancement of sentence to the appellant-accused. Subsequently, vide order dated 5th February, 2015 passed by the same Bench, it is noted that the notice of enhancement has been issued to the appellant and the appellant was not present on that date. So non-bailable warrant was issued against him. Thereafter, non-bailable warrant was executed and the appellant-accused was taken in custody and since then he is in custody.

2. On earlier date, learned APP for the State had asked time to ascertain whether the State had preferred any appeal for enhancement. Today, on instructions from the concerned I.O. Shri Madhav Maruti More, Police Inspector of M.R.A.Marg Police station, Mumbai, learned APP stated that the State has so far not preferred any such appeal. She further took time to ascertain whether the State is willing to file an appeal and if so appropriate action shall be taken.
3. Presently, the position is that the application for bail was allowed to be withdrawn on behalf of the applicant and the applicant is in custody during the pendency of the appeal preferred by him challenging his conviction for the offence punishable under section 376 of IPC for which he was awarded rigorous imprisonment of three years and fine of Rs.5000/- in default RI for six months.
4. The learned counsel for the applicant/appellant stated that the notice of enhancement has not been received by the appellant-accused or by his advocate. Office to comply and issue such notice and see that it is served on the appellant-accused or his Advocate Shri Ravindra Shetty, prior to the next date.
5. Considering the request made by the learned advocate for the applicant, Cri.Appln.Nos.674/2015 and 395/2015 are allowed to be withdrawn and disposed of as such.
6. Appeal is adjourned to 2nd July, 2015 to take further steps and for directions.

(A.R.JOSHI, J.)