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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CR.APPLICATION No. 1070 of 2015

IN

CRIMINAL APPEAL No. 161 OF 2015

Mr Jitu @ Barisab Baburao RajputAppellant.

Vs

State of MaharashtraRespondent.

Mr Paras Yadav i/by Rohan Nahar for the appellant.

Mr A.R. Patil, APP for the State.

CORAM : A.R.JOSHI,J

DATE : 8th September,2015.

P.C. :

Heard learned counsel for the appellant. The appellant is original accused no.1. He is convicted for the offence under section 395 of IPC and sentenced to suffer RI for ten years. He was initially arrested in February,2013 and apparently in custody for about two years and six months. Considering the gravity of the offence and the punishment for ten years for the offence under section 395 of IPC there is nothing to entertain the present application for early hearing of the appeal. This is more so when it is not yet ascertained whether the State of Maharashtra had preferred any appeal challenging the acquittal of original accused no.3 for the offence under section 395 of IPC. If the State prefers such an appeal then such appeal is required to be taken before the Division Bench as punishment which can be awarded against the accused for the offence under section 395 of IPC, if established, is up to life imprisonment. In that eventuality the present appeal will also have to be taken before the

Division Bench. As such, on this count also it is not necessary to deal with the present appeal expeditiously. As such present application for early hearing is accordingly dismissed and disposed of.

The learned APP to ascertain and inform the Court whether the State has preferred or is preferring any appeal challenging acquittal of original accused no.3.

(A.R.JOSHI, J.)

Certified to be true and correct copy of the original signed order.