

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Cr. Application No. 1144 of 2015
IN
Cr. Appeal No. 572 of 2015

SUSHILA BAI HIMMAT RAO PATIL W/O. HIMMAT
RAO NATHU PATIL

...Applicant

IN THE MATTER BETWEEN:

SALMAN SALIM KHAN

..Appellant

V/S

THE STATE OF MAHARASHTRA

...Respondent

WITH
Cr. Application No 1145 of 2015
IN
Cr. Appeal No 572 of 2015

....

Mr. Manoharlal Sharma i/b. Srikant Padhi, Advocate for the
Applicant.

Mr. S.K. Shinde, Public Prosecutor a/w. Mrs. Poornima
Kantharia, APP, for the State.

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CORAM : A. R. JOSHI, J.

DATE : 15th SEPTEMBER, 2015

P.C.

1. Heard learned Counsel for the applicant in both these
applications.

2. These are the applications preferred by the mother of
the first informant on whose complaint the prosecution was

initiated against the appellant in the main appeal bearing No.572 of 2015. The prayers asked in both these applications are already dealt with in earlier application No.897 of 2015 preferred by the same present applicant, then posing as an intervener. Said criminal application No.897 of 2015 was dismissed by this Court vide a detailed order after prolonged hearing. Said order was passed on 30.7.2015. In that application itself the issues regarding the locus of the present applicant, necessity for prayer for cancellation of bail granted to the present appellant and asking for production of the conviction orders in some other matters before the Jodhpur, Rajasthan Court, were dealt in detail. All those prayers were negated. A SLP was preferred before the Hon'ble Apex Court on the order of this Court dated 30.7.2015 rejecting the earlier application No.897 of 2015. Said SLP being SLP (Cri) No.6959/2015 was allowed to be withdrawn with liberty. The order of the Hon'ble Apex Court reads thus :

"Learned counsel for the petitioner, on instructions, seeks permission of this Court to withdraw the Special Leave Petition with liberty to make yet another application before appropriate forum.

Permission sought for is granted.

The Writ Petition is disposed of as withdrawn with liberty to make yet another application before appropriate forum."

3. Apparently on the premise of above order of the Apex Court, present two applications are filed.

4. In application No.1144 of 2015 the main prayer is of enhancement of the sentence awarded against the appellant by the final judgment and order dated 6.5.2015 in Sessions Case No.240 of 2013. In this application, another prayer is similar as that was made in earlier application No.897 of 2015 regarding directing the Government / appellant to file conviction orders passed in the year 2006 by the Court at Jodhpur, Rajasthan.

5. In another application No.1145 of 2015 the prayer is for cancellation of bail already granted to the present appellant while his appeal was admitted challenging his conviction in Sessions Case No.240 of 2013. Even said prayer was earlier asked in earlier disposed of application No.897 of 2015. Said prayer was then rejected vide order dated 30.7.2015, as mentioned above.

6. In view of the above factual position, there is nothing

to entertain both the present applications. In the result, both the applications are dismissed and accordingly disposed of.

(A. R. JOSHI, J.)

Deshmane (PS)

CERTIFICATE

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