

JPP

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

**CRIMINAL APPLICATION NO. 1477 OF 2014
IN
CRIMINAL APPEAL NO. 656 OF 2012**

Atikul Habibul Rehman Shaikh. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Mrs. Sarojini Upadhyay, appointed Advocate for the Applicant.
Smt. V.R. Bhosale, APP for the State.

**CORAM : P.V. HARDAS &
Dr. SHALINI PHANSALKAR-JOSHI, JJ.**

FEBRUARY 18, 2015.

P.C. :-

This Application has been sent by the Applicant/Original Accused No.1 and Appellant No.1 from Jail, seeking separation of his Appeal from the Appeal filed by the Original Accused No.2 Vishwanath Jaynath Yadav @ Motha Kaka.

2. It appears that Criminal Appeal No.656 of 2012 had been filed by the Applicant as well as Original Accused No.2 Vishwanath. The learned APP informs us that Accused No.2 Vishwanath is absconding after his release on parole. It further appears that the present Applicant is in Jail since 2009

and has thus undergone more than 5 years of imprisonment. We, therefore, separate the Appeal filed by the Applicant and the Appeal filed by the Original Accused No.2 Vishwanath. The Appeal filed by Original Accused No.2 Vishwanath would be heard after his arrest. We are further informed that the Appeal filed by the Applicant is already listed for final hearing.

Application is allowed as indicated above.

(DR.SHALINI PHANSALKAR-JOSHI, J.) (P.V. HARDAS, J.)