

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 664 OF 2013

The State of Maharashtra	...	Applicant
vs.		
Prakash Ananda Patil and Ors.	...	Respondents
		(Orig. Accused Nos. 1 to 5)
Mr. S.S.Pednekar, APP for the Applicant-State.		
Mr. Prashant V. Malik for respondent Nos. 1 to 5.		

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 12th February, 2015.

P.C.

Heard the learned APP.

2. This is an application filed by the State challenging the order passed by the Addl. Sessions Judge, Kolhapur, dated 5.9.2013 thereby rejecting the application filed by the State seeking cancellation of bail during the pendency of the appeal.

3. The facts are as follows :-

(a) The respondents herein were convicted in Sessions Case No.29 of 2010 by the Assistant Sessions Judge, Kolhapur, for the offences punishable under Section 307 read with Section 149 and Section 325 read with Section 149

of IPC vide judgment and order dated 22.10.2010. Being aggrieved by the said judgment and order, the accused-appellant had preferred an appeal before the Sessions Court at Kolhapur. The appellants had filed an application under Section 389 of Cr.P.C. seeking suspension of substantive sentence. The learned Sessions Judge, Kolhapur, vide order dated 29.10.2012 was pleased to suspend the substantive sentence and enlarged the appellants on bail.

(b) The prosecution had received information that the original complainant was being harassed by the respondents and, therefore, the Executive Magistrate had taken action against them under Section 107 of Cr.P.C. in Chapter Case No.4 of 2013. It was alleged that on 26.4.2013, the respondents herein had cut down four Babool trees from land Gat No. 690 which belonged to the original complainant Shamrao Patil. They had caused damage to the tune of Rs.8,000/-. The prosecution was of the opinion that the accused persons who are enlarged on bail during the pendency of the appeal, are not law-abiding citizens and, therefore, an application was filed seeking cancellation of bail.

4. The learned Sessions Judge has assigned sound and justifiable reasons for rejecting the application filed by the State seeking cancellation of bail. Hence, the said order dated 5.9.2013 does not call for any interference.

5. The learned APP submits that the order dated 5.9.2013 was challenged by the State by filing the present application in December 2013. Due

to the pendency of the present application, the learned Sessions Judge was not proceeding with the hearing of the appeal and, therefore, the learned APP prays that the hearing of the appeal be expedited.

6. In view of the fact that this Court is rejecting the application seeking leave to appeal challenging the order dated 5.9.2013, it would be clear that there is no impediment in proceeding with the hearing of the appeal. Hence, specific directions are not necessary.

ORDER

The application being sans merits, stands rejected.

(SMT.SADHANA S.JADHAV, J.)