

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [APPA] No.516 of 2015

(Smt. Kausarbee Sheikh Mohd. and another

vs.

The State of Maharashtra, through P.S.O. Ballarshah, District Chandrapur)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. D.A. Sonwane, Advocate [appointed] for the Applicants/Appellants.

CORAM : A.B. CHAUDHARI, J.

DATE : DECEMBER 9, 2015.

Heard.

For the reasons stated in the application, the application is allowed condoning the delay caused in filing the appeal.

The application is disposed of.

Criminal Appeal No.440/2015 :-

The learned Counsel for the appellants points out that earlier appeal along with application for condonation of delay bearing Criminal Application [APPA] No.245/2009 was privately filed by the two appellants and there was a delay of ten months. Since the office objection was not removed, by order dated 03/12/2009, this Court dismissed the application for condonation of delay in default. As a result, the appeal was also disposed of.

The present application was filed after the application was made by the appellants to the Legal Aid Committee on 27/11/2013. Now there are reports from the Superintendent, Central Prison, Nagpur that both the appellants have undergone the entire sentence including fine and were released from jail on 15/07/2015. Said reports are taken on record and marked as "X" and "X-1" for identification. Thus, both the appellants have already suffered the sentence.

The appellants have not made any challenge to the judgment on merit in the sense that after undergoing the sentence awarded to them, they do not claim to have the order of acquittal. Hence, the order.

ORDER

Criminal Appeal No.440 of 2015 is dismissed.

JUDGE

**sdw*