

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

CRIMINAL APPEAL NO.203 OF 2005

Babu Masaji Yadeo ... APPELLANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri A.R. Syed, Advocate holding for
Shri P.P. Chavan, Advocate for appellant
Shri K.S. Patil, A.P.P. for respondent/ State

.....

WITH

CRIMINAL APPEAL NO.204 OF 2005

Bhagwan Shriniwas Kulkarni ... APPELLANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri A.R. Syed, Advocate holding for
Shri P.P. Chavan, Advocate for appellant
Shri K.S. Patil, A.P.P. for respondent/ State

.....

CORAM: A.I.S. CHEEMA, J.

DATED: 2nd August, 2016.

ORAL ORDER :

1. The appellant in Criminal Appeal No.203/2005
(original accused No.2) Babu Masaji Yadeo is reported to be

dead. Learned A.P.P. states that, in view of the report received and the Death Certificate, the Criminal Appeal No.203/2005 may be treated as abated.

2. Criminal Appeal No.203/2005 is disposed as abated due to the death of the appellant (original accused No.2) Babu Masaji Yadeo.

3. As regards Criminal Appeal No.204/2005, seen letter dated 15.7.2016 of Special Judge, Osmanabad and order of this Court dated 18.7.2016. The learned A.P.P. submits that, the concerned Police Station has seniormost officer A.P.I. Suresh Sable, who is present. It is stated that, the bailable warrants were given for execution to Head Constable Bagwan, who is also present. The learned A.P.P., on instructions from A.P.I. Sable, states that, when the warrants were received at the Police Station, the A.P.I. concerned was Mr. Tambe, who is at present transferred. It is stated that, the present A.P.I. has called for explanation of Head Constable Bagwan.

4. The learned A.P.P. states that, the present A.P.I. on behalf of his predecessor and, the Head Constable, are tendering unconditional apology for not having responded to the Special Judge, Osmanabad when warrants were required to be executed.

5. Recorded. This be avoided in future.

6. The learned counsel for appellant Bhagwan states that, the said appellant is present in Court. The report as regards this accused shows that he is not residing at the given address since 2007-2008. The counsel for appellant states that he will furnish present complete address as well as permanent address of this appellant. He may do so.

7. The bailable warrants issued are stated to be yet not executed. In view of the statement of the learned counsel for appellant in Criminal Appeal No.204/2005 - Bhagwan Shriniwas Kulkarni, subject to furnishing present and permanent address, the bailable warrants are recalled further subject to payment of costs of Rs.1000/- (Rupees one thousand). The counsel for appellant states that, he has instructions to argue the appeal whenever the same is called upon.

8. Recorded.

9. List the Criminal Appeal No.204/2005 for hearing finally on 8th September 2016.

(A.I.S. CHEEMA, J.)