

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

CRIMINAL APPEAL NO.644 OF 2002

Satyendrakumar Lalit Kumar Shukla
and another

.... Appellants

versus

The State of Maharashtra

... Respondent

Ms. N.S. Bobade, advocate i/b. Manoj Bhatt, advocate for
appellants.

Mr.P.H. Gaikwad Patil, APP for the State/respondent.

Ms. Yogita Deshmukh, advocate appointed at the cost of State.

CORAM : A.M.BADAR, J.

DATE : 17th NOVEMBER, 2016

P.C. :

1. Ms.N.S. Bobade, learned Counsel holding for Mr.Manoj Bhatt, for appellants submits that appellants in this appeal have challenged the judgment and order of conviction of appellants passed on 29/05/2002 in Sessions Case No.314/01. The learned counsel further states that in fact without knowledge of the learned counsel for the appellants, present appellants have preferred another appeal challenging very same judgment and that Criminal Appeal bearing No.798/02 is allowed by this Court on

29/10/2004 thereby quashing and setting aside the impugned judgment and order of conviction recorded by the learned II Ad-Hoc A.S.J, Thane, dated 29/05/2002. In this view of the matter, the learned counsel for appellants submitted that she does not want to press the instant appeal as the same is rendered infructuous.

2. Ms.Deshmukh, learned counsel was appointed in this matter to espouse the cause of appellants as Mr.Manoj Bhatt, learned counsel for appellants is conspicuous by his absence on several dates. Now as appellants are represented by Ms.Bobade holding for Mr.Bhatt advocate, purpose of appointment of Ms. Deshmukh also does not survive.

3. Perused records and proceedings of Criminal Appeal No.798/12. It is seen that the judgment and order of conviction impugned in this appeal was also challenged in Criminal Appeal No.798/02 and ultimately on 20/10/2004 was pleased to allow that appeal and appellants/accused are acquitted of the charge which was framed against them by quashing the judgment and

order of this Court dated 20/10/2004. In view of this matter, the Criminal Appeal No.644/02 is rendered infructuous and the same is disposed of.

4. Legal fees of Ms.Deshmukh, the learned counsel appointed by this Court to espouse the cause of appellants is quantified at Rs.5,000/- and the same be paid to her.

(A.M. BADAR, J.)