

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 523 OF 2016

Shivanand @ Shivaji Fakirappa Adakar ... Appellant
Vs.
The State of Maharashtra ... Respondent

Mr. Prosper D'Souza, Advocate appointed for the appellant.
Mr. H.J. Dedia, APP for the Respondent – State.

**CORAM: SMT. V.K. TAHILRAMANI &
MRS.MRIDULA BHATKAR, JJ.**

DATE: AUGUST 25, 2016

P.C.:

The appellant has preferred this appeal through jail against his conviction and sentence under section 302 of Indian Penal Code in Sessions Case No. 83 of 2012. The said Appeal was admitted by order dated 28th July, 2016 and it is pending for final hearing. However, during the pendency of this Appeal, the appellant has filed another Appeal, i.e., Criminal Appeal (St.) No. 550 of 2016 against the very same judgment and order. This Appeal is filed by Advocate Mr. Sandeep Y. Ghaste. The appellant has chosen to appoint an advocate to file his appeal. Learned Advocate Mr. Ghaste states that he has taken instructions from the appellant about the appeal filed through jail and the appellant stated that he does not wish to pursue the appeal filed through jail and he wished to pursue only Criminal Appeal (St.) No. 550 of 2015 wherein he has appointed a private advocate who has filed the Appeal.

2. In view of the above, this Appeal is disposed of as infructuous.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)