

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.270 OF 2016

IN

CRIMINAL APPEAL NO.457 OF 2014

MOHD.RAFIK MOHD. HANIF KHAN

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

WITH

CRIMINAL APPLICATION NO.1240 OF 2016

IN

CRIMINAL APPEAL NO.457 OF 2014

MOHIDDIN @ TIPUBABUMIYA

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Ankush Dhokale, Advocate for the Applicant in Criminal Application No.270 of 2016.

Mr.S.V.Marwadi i/b. Mr.Omkar Nagwekar, Advocate for the Applicant in Criminal Application No.1240 of 2016.

Ms.A.A.Takalkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 29th NOVEMBER 2016.

P.C. :

1 Heard the learned counsel appearing for both the applicants. It is not in dispute that similar such application bearing no.756 of 2014 moved by both the applicants came to be withdrawn on 16th September 2014. In this view of the matter, present applications claiming same relief cannot be entertained in view of the judgment in the matter of **Gavesh Raj vs. State of Rajasthan 2005 Cr.L.J. 2086**. Considering these applications afresh would amount to review of the earlier order dated 16th September 2014. Therefore, both the applications are rejected.

2 It is noted that the applicants are behind bars for more than four years. They are sentenced to suffer rigorous imprisonment of 7 years. Therefore, hearing of criminal appeals need to be expedited.

Criminal Appeals be fixed for final hearing in the week commencing from 5th **December 2016**.

(A. M. BADAR, J.)