

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1309 OF 2016
IN
CRIMINAL APPEAL (STAMP) NO.730 OF 2016

Balu Dada Jadhav ... Applicant

Vs.

The State of Maharashtra ... Respondent

with
CRIMINAL APPLICATION NO.1310 OF 2016
IN
CRIMINAL APPEAL (STAMP) NO.730 OF 2016

Balu Dada Jadhav ... Applicant

Vs.

The State of Maharashtra ... Respondent

with
CRIMINAL APPEAL (STAMP) NO.730 OF 2016

Balu Dada Jadhav ... Appellant

Vs.

The State of Maharashtra ... Respondent

Mr.Jaydeep Mane for the Applicant
Mr.Arfa Sait, APP, for Respondent - State

**CORAM: SMT. V.K. TAHILRAMANI &
MRS. MRIDULA BHATKAR, JJ.
DATE: NOVEMBER 23, 2016**

P.C.:

1. By judgement and order dated 18.1.2010 passed by the learned Sessions Judge, Solapur in Sessions Case No.303 of 2013, the applicant was convicted and sentenced under section 302 of the Indian Penal Code. Being aggrieved thereby, the applicant preferred Criminal Appeal (stamp) No.730 of 2016 through jail. As there was delay in preferring the Appeal, Criminal Application No.1309 of 2016 has been preferred for condonation of delay through jail. In Criminal Application No.1310 of 2016 also preferred through jail, the applicant has prayed that an advocate be appointed to represent him in his Appeal i.e., Criminal Appeal (stamp) No.730 of 2016 and Criminal Application No.1310 of 2016. However, it is seen that prior to filing of Criminal Appeal (stamp) No.730 of 2016 and Criminal Application No.1310 of 2016, advocate Mr.Jaydeep Mane has filed Criminal Appeal (stamp) No.475 of 2016 in respect of the applicant/appellant in relation to the very same judgment and order. Mr.Jaydeep Mane states as there is delay in the said appeal, Criminal Application No.812 of 2016 has been filed by him in Criminal Appeal (Stamp) No.475 of 2016.

2. It is seen that though advocate Mr.Jaydeep Mane has filed Appeal (Stamp) No.475 of 2016. Thereafter, the applicant, through jail, has filed Criminal Appeal (stamp) No.730 of 2016 against the very same judgment and order before this Court as well as the application for condonation of delay in the said appeal. Mr.Mane states that he has recently received instructions to go on with the appeal filed by him.

3. In this view of the matter, the Criminal Application No.1310 of 2016 for legal aid is infructuous so also the application for condonation of delay being Criminal Application No.1309 of 2016 in Criminal Appeal (stamp) No.730 of 2016 is infructuous. So also, the Criminal Appeal (stamp) No.730 of 2016 is disposed of as not maintainable as an appeal has already been filed against the very same judgment and order by the appellant, which is Criminal Appeal (stamp) No.475 of 2016.

4. In view of the above, Criminal Application Nos.1309 of 2016 and 1310 of 2016 are disposed of as infructuous and Criminal Appeal (stamp) No.730 of 2016 is disposed of as not maintainable.

5. Criminal Appeal (stamp) no.475 of 2016 has been admitted after condoning the delay in the said matter.
6. Office to communicate this order to the applicant/appellant, who is in Kolhapur Central Prison, Kalamba, Kolhapur.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)