

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPA] No. 409 of 2016
IN
Criminal Appeal No. 139 of 2016
[Mohd. Hanif son of Mohd. Habib & another Vs. State of Mah.]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. Avinash Gupta, Sr. Adv., with Mr. R.K. Tiwari, Adv., for the appellants.
 Mr. Jawade, APP for respondent.

- - - -

**CORAM : B. P. DHARMADHIKARI
AND
A.S. CHANDURKAR, JJ.**

DATE : 19th August, 2016

Heard learned Senior Adv. Mr. A.V. Gupta with
 learned Adv. Mr. R.K. Tiwari for the appellants.

Learned Sr. Adv. Mr. Gupta submits that trial of
 present appellants was separate, as they were shown as
 absconding and surrendered lateron. Till then,
 prosecution had already examined six witnesses and
 without giving effective opportunity to these appellants
 in the matter, that evidence has been used against them
 and a common judgment has been delivered in the trial
 which had already proceeded against other accused
 persons. It is pointed out that these accused persons

were unrepresented before Trial Court.

Learned APP is seeking time to verify these facts.

We find that while passing orders on Criminal Application No. 374 of 2016, this Court has recorded very same contentions and granted request of learned APP. Matter was adjourned by two weeks.

In this situation, we allow the Criminal Application. List Criminal Appeal for final hearing in the week commencing 19th September, 2016.

In view of limited challenge, we presently dispense with paper-book.

Judge

Judge

|hedau|

C E R T I F I C A T E

I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.

Uploaded by : R.B. Hedau,
Pvt. Secretary.

Uploaded on : 19th Aug., 2016

-0-0-0-0-

