

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO. 582/2016
IN CRIMINAL APPEAL NO. 602/2014

Kamlakar Goma Choudhary

-VERSUS-

The State of Maharashtra

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

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
& A.S. CHANDURKAR, JJ.

DATE : AUGUST 26, 2016.

Heard Shri Mir Nagman Ali, learned
counsel for the applicant/appellant and Shri Khan,
learned A.P.P. for respondent – State.

2. The final order was signed in the evening
on 23.09.2016.

3. Even at the time when learned A.P.P. has
finished his arguments and court was dictating the
final order, the learned counsel who has moved this
application had appeared and enquired from the
counsel who appeared as an appointed counsel by
Legal Aid. Thereafter both the Advocates were sitting

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in the Court Hall, but, no request was made to hear the matter by the learned counsel.

4. The learned Single Judge of this Court in 2011 (3) BCR (Cri) 469 (Anil Shashikant Dukhande .vrs. State of Maharashtra), decided the appeal in absence of assistance of any Advocate on behalf of the accused. Here the counsel appointed by the legal aid was very much available, was prepared and has effectively assisted the Court. Private counsel could not have filed Vakalatnama without obtaining his no objection.

5. In the evening on same day, reasons were dictated and thereafter in due course reasons have also been incorporated as a part of judgment.

6. In this situation, we find that second opportunity of hearing cannot be extended to the appellant. Section 362 of Criminal Procedure Code clearly bars such a course of action. Criminal Application is, therefore, rejected. No costs.

JUDGE

JUDGE

Rgd.

CERTIFICATE

I certify that this judgment/order uploaded
is a true and correct copy of original signed
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