

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPA] No.643 of 2015
IN
Criminal Appeal No. _____ of 2015
[Arun Gulabrao Raut 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. Rahul Dhande, Adv., [appointed] for the appellant.
 Mr. Bangadkar, APP for respondent.
 Mr. N.W. Doye, Establishment Officer, High Court Legal Services Sub-Committee, Nagpur.

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CORAM : A.B. CHAUDHARI, J.

DATE : 04th January, 2016.

By this Application, the applicant-appellant Arun Gulabrao Raut has applied for condonation of delay in filing the appeal against the Judgment and Order dated 20th September, 2005 passed by learned First Ad Hoc Additional Sessions judge, Wardha, convicting him of the offence punishable under Section 307, Indian Penal Code, and sentencing him to undergo Rigorous Imprisonment for seven years and to pay a fine of Rs.1,000/-, in default, further imprisonment for three months, with a further stipulation to give him set off as

per the provisions of Section 428, Criminal Procedure Code, since he was in jail.

To file an appeal before this Court against the said Judgment and Order of conviction and sentence, on 15th October, 2005, from jail, he applied to the High Court Legal Services Sub-Committee, Nagpur, for engagement of Advocate from the panel, and his application was forwarded on 24th October, 2005 by the Superintendent of Nagpur Central Prison to the Office of High Court Legal Services Sub-Committee, and the learned Senior Judge on 24th October, 2005, i.e., on the same day, appointed Adv. Mr. D.N. Kukday for filing an appeal. Thus, though the learned Senior Judge had attached utmost importance to the matter by ordering engagement of the Adv., on the same day, the Adv., who was asked to file an appeal, never filed the appeal, though he was given the letter dated 25th October, 2005 to that effect.

It is only after such cases were found by this Court to exist, the Establishment Officer of the Sub-Committee was directed to ascertain the position of not filing the appeals, when it was discovered that large number of appeals were not filed. The Establishment Officer of the Sub-Committee was, therefore, asked to immediately engage other Adv., from the panel.

In so far as the present case is concerned, Mr. R.D. Dhande, Adv., was asked to file appeal by letter

dated 10th August, 2015. It appears that on 11th August, 2015, Superintendent, Nagpur Central Prison, informed the Secretary of the Sub-Committee that the present appellant - Arun Gulabrao Raut was already released from jail on 13th August, 2010, having served out entire sentence. This appeal came to be filed by Mr. Dhande on 24th December 2015. There is no evidence with the Establishment Officer that on receipt of letter dated 11th August, 2015 from the Jail informing release of the accused-appellant from jail having undergone the sentence, he telephonically contacted Mr. Dhande asking him not to file an appeal and there is a reason to believe that on 10th August, 2015, it did not even occur to the mind of Establishment Officer to take cognizance of the fact that the accused was already released from jail and to ask Adv. Mr. Dhande not to file appeal which came to be filed on 24th December, 2015.

Be that as it may, since the appellant was released having undergone the sentence, the following order is passed:-

ORDER

- [a]** Criminal Application [APPA] No. 643 of 2015 is dismissed as infructuous.
- [b]** The Sheristedar of this Court is directed to take stock of entire records of such appeals from the Office of High Court Legal Services Sub-Committee, Nagpur, and

4

report within seven days.

Judge

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