

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1326 OF 2017

IN

CRIMINAL APPEAL NO. 197 OF 2016

NANA BHIMRAO PATIL (DUKRE),
Age:23 yrs, Occupation:Agriculture,
R/o : Dhol Umri,
Tq & District : Hingoli.

...APPLICANT
(Orig. Accused No.5)

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr. Joydeep Chatterji, Advocate for
Applicant.
Mr. S.Y. Mahajan, A.P.P. for Respondent-
State.

...
CORAM : S.S. SHINDE &
K.K. SONAWANE, JJ.

DATE OF RESERVING ORDER : 05.04.2017

DATE OF PRONOUNCING ORDER : 07.04.2017

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ORDER :-

1. This is an application filed by the

applicant who is Appellant No.5 in Criminal Appeal no. 197 of 2016, seeking leave to file a separate Appeal.

2. We have heard Shri Joydeep Chatterji, learned counsel appearing for the applicant and the learned A.P.P. appearing for the State, and for the reasons stated in Application, the Application is allowed and the applicant is permitted to file a separate Appeal. Subject to withdrawal of earlier Appeal No. 197 of 2016, filed on his behalf. The condition of withdrawal of earlier appeal is only precautionary measure.

3. It is to be noted that, we insist the applicant to withdraw the earlier appeal filed on his behalf because there should not be two appeal of the applicant before this Court represented by two learned counsel. Hence, applicant is permitted to file

separate appeal in the interest of justice.

4. Since paper-book in the connected Appeal is already ready and placed on record, we dispense with the preparation of a separate paper-book in this Appeal. Separate Appeal, if filed by the applicant, be tagged along with the other connected Appeal. Criminal Application is allowed accordingly.

(**K.K. SONAWANE, J.**) (**S.S. SHINDE, J.**)

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