

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2209 OF 2017

IN

CRIMINAL APPLICATION NO.3807 OF 2016

- 1) Ravindra s/o Bhimrao Khillare,
Age-36 years, Occu:Labour,
- 2) Seema w/o Ravindra Khillare,
Age-30 years, Occu:Household,
- 3) Deepak s/o Bhimrao Khillare,
Age-28 years, Occu:Labour,
- 4) Kalpana w/o Deepak Khillare,
Age-23 years, Occu:Household,

All R/o- Bagsher Jung,
Near Rama Nagar, Darga Road,
Kranti Chowk, Aurangabad,
Dist-Aurangabad.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Police Station,
Osmanpura, Aurangabad,
Dist-Aurangabad,
- 2) Jilabai w/o Atmaram Ingale,
Age-60 years, Occu:Household,
R/o-Galli No.2, Rama Nagar,
Osmanpura, Aurangabad.

...RESPONDENTS

...
Mr.S.J. Salunke Advocate for Applicants.
Mr.P.G. Borade, A.P.P. for Respondent No.1.
Mr.S.G. Ladda Advocate for Respondent No.2.
...

**CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATE : 6TH JUNE, 2017

ORDER :

1. By filing this Application, the Applicants have prayed that the order passed by this Court in Criminal Application No.3807 of 2016 on 21st April, 2017 of vacating the interim relief granted earlier, may be set aside/ recalled. It is further prayed that interim relief granted by this Court in Criminal Application No.3807 of 2016 dated 14th July, 2016, may be continued till the final disposal of Criminal Application No.3807 of 2016.

2. Learned counsel appearing for the Applicants submitted that on 21st April, 2017, Criminal Application No.3807 of 2016 was on board

for admission purpose. Learned counsel further submitted that the Criminal Application was called out twice however he was engaged in another matter and hence could not attend the matter. It is further submitted that on 21st April, 2017 the Bar Council decided not to conduct any work by Advocates in afternoon session. On 21st April, 2017, in morning session, this Court was pleased to vacate the interim relief granted earlier by this Court and directed to post the matter on 8th June, 2017. It is submitted that non-attending of the matter on 21st April, 2017 was without any intention and due to reasons stated above. Therefore, learned counsel submitted that the Application may be allowed.

3. Learned A.P.P. appearing for State and learned counsel appearing for Respondent No.2 vehemently opposed the Application. It is submitted that on 21st April, 2017 the matter was on Board and it was called out twice however learned counsel appearing for the Applicants did

not turn up to attend the matter. Therefore, they prayed that the Application may be rejected.

4. Since the main Criminal Application No. 3807 of 2016 itself is finally decided, there is no need to pass any order on the present application. Hence this application stands disposed of.

[K.K. SONAWANE, J.]

[S.S. SHINDE, J.]

sga/