

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPEAL NO.19 OF 2001

The State of Maharashtra ... APPELLANT

VERSUS

1. Sakharam Shankar Aute
and others ... RESPONDENTS

Mr. S.W. Munde, APP for Appellant/State
Mr. S.P. Landge, Advocate for Respondents (Appointed).

WITH
CRIMINAL APPEAL NO.20 OF 2001

The State of Maharashtra ... APPELLANT

VERSUS

Shankar Shripati Deodikar ... RESPONDENT

Mr. S.W. Munde, APP for Appellant/State
Mr. Y.P. Deshmukh h/f. Mr. H.A. Joshi, Advocate for Respondent.

WITH
CRIMINAL APPEAL NO.21 OF 2001

The State of Maharashtra ... APPELLANT

VERSUS

1. Ramhari Sitaram Jadhav
and others ... RESPONDENTS

Mr. S.W. Munde, APP for Appellant/State
Mr. S.B. Bhapkar, Advocate for Respondent Nos.1 and 2.
Mr. M.U. Shelke, Advocate for Respondent No.3

WITH
CRIMINAL APPEAL NO.22 OF 2001

The State of Maharashtra ... APPELLANT

VERSUS

1. Mallikarjun Shivappa Badole
and others ... RESPONDENTS

Mr. S.W. Munde, APP for Appellant/State
Mr. S.B. Bhapkar, Advocate for Respondent Nos.1 and 4.
Mr. M.U. Shelke, Advocate for Respondent No.4

WITH
CRIMINAL APPEAL NO.23 OF 2001

The State of Maharashtra ... APPELLANT

VERSUS

1. Rajendra Gundiba Shinde
and another ... RESPONDENTS

Mr. S.W. Munde, APP for Appellant/State
Mr. S.P. Lande h/f. Mr. V.S. Tanwade, Advocate for Respondent
No.1.

WITH
CRIMINAL APPEAL NO.24 OF 2001

The State of Maharashtra ... APPELLANT

VERSUS

1. Baswant Jagannath Lamjane
and another ... RESPONDENTS

Mr. S.W. Munde, APP for Appellant/State
Mr. S.P. Lande, (appointed) Advocate for Respondents.

WITH
CRIMINAL APPEAL NO.25 OF 2001

The State of Maharashtra ... APPELLANT

VERSUS

Motisingh Tuljaramshing Gahalot ... RESPONDENT

Mr. S.W. Munde, APP for Appellant/State
Mr. Manoj Shelke, Advocate for Respondent (Appointed)

WITH
CRIMINAL APPEAL NO.27 OF 2001

The State of Maharashtra ... APPELLANT

VERSUS

Manik Limbaji Mitkari ... RESPONDENT

Mr. S.W. Munde, APP for Appellant/State
Mr. B.R. Sontakke Patil, Advocate for Respondent.

WITH
CRIMINAL APPEAL NO.28 OF 2001

The State of Maharashtra ... APPELLANT

VERSUS

Bhimrao Hanmantappa Mudkanna ... RESPONDENT

Mr. S.W. Munde, APP for Appellant/State
Mr. V.C. Solshe, Advocate for Respondent.

WITH
CRIMINAL APPEAL NO.29 OF 2001

The State of Maharashtra ... APPELLANT

VERSUS

Janabai Baburao Avate ... RESPONDENT

Mr. S.W. Munde, APP for Appellant/State
Mr. Manoj Shelke, Advocate for Respondent (Appointed)

WITH
CRIMINAL APPEAL NO.30 OF 2001

The State of Maharashtra ... APPELLANT

VERSUS

Chandarrao Abarao Sonwane ... RESPONDENT

Mr. S.W. Munde, APP for Appellant/State
Mr. Manoj Shelke, Advocate for Respondent (Appointed)

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

DATED : July 31, 2017.

ORDER :

. Today, Advocate Shri. Manoj Shelke produced on record death certificate of accused Balbhim Dixit in Criminal Appeal No. 21/2009. Copy is supplied to the learned APP. APP is expected to verify it through concern police station before next date.

2. In Criminal Appeal No. 21/2001 information was given by learned counsel Shri. Bhapkar that accused Gundiba Bhosle is dead. The reported submitted in the form of affidavit by police shows that they could not trace the record of address and they could not trace the relatives of this accused. Learned counsel Shri. Bhapkar submits that nobody is in touch with him. In view of this circumstance, issue N.B.W. of Rs.5000/- against accused Gundiba Shivram Bhosale which is made returnable on

next date 8.8.2017.

3. In Criminal Appeal No. 20/01 learned counsel Shri. Y.P. Deshmukh holding for Shri. Joshi submitted that sole accused is dead. He produced on record death certificate of accused - Shankar Deodikar. Copy is to be supplied to the learned APP. APP is expected to verify it through concerned police station and submit the report on next date.

4. Learned counsel Shri. Shelke submitted that as per his information in Criminal Appeal No. 22/2003 accused - Baburao Parande is also dead. He is not having death certificate. Due to this information, the learned APP is asked to collect the information from the the concerned police station to verify as to whether Baburao is dead or alive and submit the report on next date.

5. In Criminal Appeal No. 27/2001 report is received from the concerned police station in respect of respondent, accused - Manik Limbaji Mitkari. He is reported to be dead and it is verified by police. As the appeal is filed only against one accused, Criminal Appeal No. 27/2001 is disposed of as abetted.

6. In Criminal Appeal No. 28/2001 report is received in

the form of affidavit of the concerned police station that the sole respondent accused Bhimrao Hanumantappa Mudkanna is dead and it is verified by the police. In view of this, Criminal Appeal No. 28/2001 stands disposed of as abetted.

7. Considering the nature of allegations made against the accused persons, this Court has formed opinion that the remaining appeals in respect of other accused can be heard separately, though there was allegation against all the accused that they used forged record of Government Resolutions for getting benefit of Freedom Fighter's Pension. Appeals are old and in view of nature of allegations, appeals can be separately decided on the basis of record and they need not be kept pending for taking aforesaid steps. List the remaining appeals for hearing on 8.8.2017.

8. As nobody is turning up for respondents, accused in Criminal Appeal No. 19/01, Learned counsel Shri. S.P. Landge is appointed as amicus curie for the respondents. In Criminal Appeal No. 23/2001 learned counsel Shri. S.P. Landge holding for Shri. Tanawade sought time. If on 8.8.2017 Advocate Shri. Tanwade does not turn up, somebody will be appointed as amicus curie and that appeal will also be heard.

9. Learned counsel Shri. Bhapkar is present. He is expected to argue the matter for the accused for whom he has filed Vakalatnama on 8.8.2017. Nobody turned up for other accused. As Shri. Vinay Muglikar and Mr. L.C. Patil are not available, Shri. S.P. Landge is appointed for those accused as amicus curie in Criminal Appeal N. 24/2001.

10. In Criminal Appeal Nos. 25/2001, 29/2001 and 30/2001, Advocate Shri. Manoj Shelke is appointed as amicus curie for respondents, accused as nobody has turned up for them.

11. Stand over to 8.8.2017.

12. Papers are to be supplied to the appointed counsels.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

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