

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.561 OF 2015
WITH
CRIMINAL APPLICATION NO.487 OF 2014
WITH
CRIMINAL APPLICATION NO.1023 OF 2017
IN
CRIMINAL APPEAL NO. 1103 OF 2012**

Kashinath Tanaji Pawar	... Applicant
V/s.	
The State of Maharashtra	... Respondent

.....

None for the Appellant.

Ms.P.N.Dabholkar, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 18th August 2017.

P.C. :

1 None for the Appellant/Applicant, who is convicted of the offence punishable under Sections 323 and 304 Part I of the Indian Penal Code.

2 By these Applications sent to this Court through jail, the Applicant/convicted accused is seeking withdrawal of his Appeal though the same is admitted for final hearing by this Court. The contentions of the Applicant/Appellant/convicted accused

seems to be that though he has filed the Appeal before this Court, the same is not taken up for final hearing despite lapse of a considerable period and, therefore, he is not interested in prosecuting the Appeal.

3 The Appeal is already admitted for final hearing and, as such, it needs to be taken to the logical end. True it is that the Appeal filed by the Applicant/Appellant/convicted accused could not be heard by this Court for a period of about five years, but that cannot be a reason for allowing the Applicant/Appellant to withdraw the Appeal. The Applications, as such, are rejected.

4 It is seen from the record that this court by an order dated 29/02/2016 has appointed Mr.Omkar Nagvekar to represent the Appellant/Accused at the cost of the State. He is absent. It is seen that in past also, he was absent.

5 Hence, Ms.Nasreen Ayubi, the learned Advocate on the Panel of Legal Aid of this Court is appointed to represent the Appellant at the cost of the State. Considering the fact that the Appellant is behind bar for a period of about seven years, the Appeal needs to be taken up for final hearing as per the verdict of the Honourable Apex Court in the matter of *Hussain & Anr. v. Union of India* reported in 2017 (5) SCC 702.

6 Hence, the Appeal be put up for final hearing in the week commencing from 21st August 2017.

(A.M.BADAR J.)