

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.812 OF 2017

IN

CRIMINAL APPEAL NO. 122 OF 2016

Shri Atul @ Pintu Nandkumar Mohite ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Abhijit Kulkarni for the applicant.
Smt. J. S. Lohokare, APP for the respondent - State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11 JULY, 2017

P.C. :

1. The applicant has been convicted by the judgment and order dated 6th February, 2016 passed by the Learned Sessions Judge Malshiras in Sessions Case No.38 of 2008. The applicant had preferred an appeal jointly with other accused which is numbered as Criminal Appeal No.122 of 2016.

2. The applicant / original accused / one of appellant in Criminal Appeal No.122 of 2016 intends to file a separate appeal challenging the aforesaid judgment and hence preferred the present application.

3. Considering the facts enumerated herein above and the prayer made in this application, the application can be granted.

4. The applicant Shri Atul @ Pintu Nandkumar Mohite is permitted to file a separate appeal challenging the judgment and order dated 6th February, 2016 passed by the passed by the Learned Sessions Judge Malshiras in Sessions Case No.38 of 2008.
5. The filing of certified copy of the judgment and order dated 6th February, 2016 is dispensed with. The applicant is permitted to prefer an appeal within a period of one week. It is clarified that the fact that the applicant / appellant had preferred an appeal earlier, may be considered while calculating the period of limitation for filing a separate appeal.
6. Criminal Application No.812 of 2017 stands disposed of.

[PRAKASH D. NAIK, J.]