

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.1373 OF 2016
IN
CRIMINAL APPEAL NO.57 OF 2016**

Sallauddin Abdul Wahid Khan & Anr. ... **Applicants**
V/s.
The State of Maharashtra ... **Respondent**

.....

None for the Applicants.
Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 28th FEBRUARY 2017.

P.C. :

1 This is an application by the applicant/appellant/accused No.1 on behalf of his wife, who was accused No.2 in Sessions Case No.317 of 2014. By the impugned Judgment and Order dated 03/02/2015, the learned Additional Sessions Judge, Greater Bombay, Mumbai was pleased to convict the present applicant/accused, as well as, his wife i.e. accused No.2 Asama Khan of the offence punishable under Section 370 of the Indian Penal Code. They both are sentenced to suffer rigorous imprisonment of seven years apart from payment of fine of Rs.500/- by each of them.

2 By the instant application sent through jail, the applicant/accused No.1 has stated that as his wife, who is accused No.2 in the Sessions Case no.317 of 2014 is illiterate, she has not applied for legal aid to challenge the Judgment and Order of conviction and sentence imposed on her in Sessions Case No.317 of 2014. On behalf of accused No.2 Asama Khan, the applicant/accused No.1 has requested this Court that by granting legal aid to accused No.2 Asama Khan, appeal on her behalf be preferred before this Court and it be heard along with the appeal filed by the present applicant/accused No.1.

3 By granting legal aid to the applicant/accused No.1, his appeal is under consideration by this Court and the same is already admitted for final hearing. It is seen from the order dated 15/01/2016 that at the time of admission of the appeal of the applicant/accused No.1, the appointed Advocate was absent. He is not even present today.

4 In this view of the matter Ms.Nasreen Ayubi, the learned Advocate on the Panel of Legal Aid is appointed to represent the applicant/accused No.1 in Criminal Appeal No.57 of 2016 by cancelling the appointment of Mr.P.G.Giri Advocate.

5 Similarly, the prayer made in the present application is also granted. Ms.Nasreen Ayubi the learned Advocate on the

Panel of Legal Aid is appointed to represent accused No.2 Asama Khan. The appointed Advocate is requested to draft and present Memo of Appeal on behalf of accused No.2 Asama Khan. The copy of the application along with all necessary papers be supplied to the appointed Advocate. The order be informed to the High Court Legal Aid Committee.

6 With these directions, the application is disposed of.

(A.M.BADAR J.)