

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.646 OF 2016**

in

CRIMINAL REVISION APPLICATION NO.52 OF 2005

Balasaheb Nivrutti Jagtap ... Applicant

vs

The State of Maharashtra ... Respondent

Mr.Dilip Bodke for Applicant

Mr.Amit Palkar APP for State

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CORAM: G.S.KULKARNI, J

DATE : 4 JANUARY 2017

P.C.

1. Heard Mr.Bodke learned counsel for the applicant and the learned APP.

2. By this application, the applicant who is the legal heir of the original applicant-Balasaheb Nivrutti Jagtap/accused, has prayed for an early hearing of the above Criminal Revision Application. By judgment and order dated 12.12.2000 passed by the Chief Judicial Magistrate,Satara the original complainant, now deceased was convicted for the offence punishable under sections 323, 332 and 353 of the IPC. An Appeal against this judgment and order of the learned trial Judge was rejected by the learned Sessions Judge,Satara on 29.11.2004.

Accordingly, the above Revision application was filed and the same was admitted on 17.8.2005. Case of the applicant who is the son of the deceased/original applicant is that on the basis of the conviction in question, the original applicant came to be terminated from the service of the Maharashtra State Electricity Distribution Company and that if the applicant was to succeed in this revision, he would have been re-instated which now cannot be done as the original applicant has expired. It is the case of the applicant that his brother Yogesh Jagtap who is presently 33 years old has applied to the said Electricity Company seeking compassionate appointment. The application came to be rejected by a communication dated 6.9.2014 on the ground that this revision application is pending. It is submitted that a serious prejudice is being caused to the applicant as this application is pending and in the event, the application succeeds, the son of the applicant will be entitled an employment. It is therefore, submitted that the revision be listed for hearing peremptorily.

3. Having heard learned counsel for the applicant and having perused the averments made in the application in my opinion, a good reason is made out for the revision application to be listed for hearing at an early date. Accordingly, application is allowed. Office is directed to list the revision application No. 52 of 2005 for hearing on the final hearing Board in the week commencing from **23.1.2017**. Learned counsel for the applicant submits that he would file private paper book

and place it on record on the adjourned date of hearing with a copy to be served on the respondent-State.

{G.S.KULKARNI, J}