

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1531 OF 2016
IN
CRIMINAL APPEAL (ST) NO.832 OF 2016
WITH
CRIMINAL APPLICATION NO.1532 OF 2016
IN
CRIMINAL APPEAL (ST) NO.832 OF 2016
WITH
CRIMINAL APPEAL (ST) NO.832 OF 2016

Ganesh Bachhu ValaviApplicant
V/s.
The State of MaharashtraRespondent

Mr. Swapnil Ovalekar, Advocate appointed for the Applicant.
Mr. H.J.Dedhia, APP for Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI, &
SANDEEP K. SHINDE, JJ.**

DATE : AUGUST 4, 2017.

P.C. :

Applicant/Original Accused No.1 was convicted by judgment and order dated 18.2.2016 passed by the learned Additional Sessions Judge, Thane in Sessions Case NO.581 of 2014. By the said judgment and order, the learned Sessions Judge convicted and sentenced the applicant/original accused no.1 under Section 302 read with Section 34 of IPC.

2 The applicant has preferred Criminal Appeal (ST) NO.832 of 2016 impugning the said judgment and order. As there is delay in filing the said appeal, Criminal Application No.1531 of 2016 has been preferred by the applicant for condonation of delay. The applicant has also preferred Bail Application No.1532 of 2016 in Appeal (St) No.832 of 2016 wherein he has prayed for bail. The Appeal, i.e., Criminal Appeal (ST) No.832 of 2016 along with application no.1531 of 2016 and 1532 of 2016 are pending for 'Admission'.

3 Office record shows that the applicant/original accused no.1 against the very same judgment and order has preferred Criminal Appeal No.325 of 2017. The said appeal has already been admitted by this Court by order dated 13.4.2017. Thus, now the applicant cannot be allowed to prefer second appeal against the very same judgment and order.

4 In this view of the matter, Appeal (St) No.832 of 2016, Application No.1531 of 2016 and 1532 of 2016 cannot be considered. Hence, they are to be disposed of as infructuous.

Office to communicate this order to the
applicant/appellant who is in Nashik Road Central Prison, Nashik.

(SANDEEP K. SHINDE, J) (SMT. V.K. TAHILRAMANI, J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.325 OF 2017

Ganesh Bachhu Valavi & Anr.Appellants
V/s.
The State of MaharashtraRespondent

Mr. Swapnil Ovalekar, Advocate appointed for the Appellants.
Mr. H.J.Dedhia, APP for Respondent-State.

**CORAM : SMT. V.K. TAHILRAMANI, &
SANDEEP K. SHINDE, JJ.**

DATE : AUGUST 4, 2017.

P.C. :

This appeal has been preferred by Ms. Sarojini Upadhyay. However, she has expired. It is seen that both the accused persons have sent letters to the Legal Aid Cell to appoint advocate in their appeal from the Legal Aid Panel.

2 In this view of the matter, we appoint advocate Mr. Swapnil Ovalekar who is on the panel of advocates of the High Court Legal Services Committee to represent both the appellants in Criminal Appeal No.325 of 2017.

3 Place the Criminal Appeal No.325 of 2017 for final hearing in regular course.

(SANDEEP K. SHINDE, J) (SMT. V.K. TAHILRAMANI, J)

