

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1699 OF 2017

IN

CRIMINAL APPEAL NO.97 OF 2015

SAMEER VASANT SHIGWAN

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Ms.Nasreen Ayubi, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 22nd DECEMBER 2017

P.C. :

1 This is an application through jail. The applicant/accused is seeking permission to withdraw the appeal with a reason that he is unable to prosecute his appeal due to penury. The appeal is already admitted for final hearing vide order dated 16th June 2015. The record also shows that on 6th December 2016, bail application moved in the appeal was not pressed as this court, it appears, had shown inclination to take up

the matter for final hearing. Therefore, vide order dated 6th December 2016, the appeal is directed to be listed for final hearing in the week commencing from 13th December 2016.

2 As the appeal is already admitted for final hearing, it cannot be permitted to be withdrawn. The application is, accordingly, rejected.

3 Today none appeared for the applicant/accused. It appears that because of penury the applicant/accused is not prosecuting his appeal. This appears to be the reason as to why his learned advocate has not appeared.

4 In this view of the matter, Ms.Nasreen Ayubi, the learned advocate on the panel of High Court Legal Aid, is appointed to represent the applicant/accused.

 List the appeal for final hearing in the week commencing from **4th January 2018.**

(A. M. BADAR, J.)