

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPLN) NO.65/2017

Dhannanjay s/o Trimbak Gawli and anr

..VS..

State of Mah., thr. PSO Asegaon Police Station, District Amravati

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri S.G. Loney, Counsel for the applicants.

Mrs. Geeta Tiwari, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 18, 2017.

1. The applicants were charged for the offences punishable under Sections 306 and 498-A of the Indian Penal Code.

2. Learned 3rd Ad hoc Assistant Sessions Judge at Achalpur vide its judgment dated 2.8.2002 acquitted the applicants from the charge of Section 306 of the Indian Penal Code, however convicted the present applicants for the offence punishable under Section 498-A of the Indian Penal Code read with Section 34 of the Indian Penal Code and directed that they should suffer rigorous imprisonment for two years and to pay a fine of Rs.500/- each.

3. Being aggrieved by such order of conviction, the

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applicants filed a criminal appeal before the Sessions Court at Amravati. The said appeal was registered as Criminal Appeal No.8 of 2002 on the file of learned Additional Sessions Judge at Achalpur.

4. Feeling aggrieved by acquittal of the applicants for the offence punishable under Section 306 of the Indian Penal Code, the State approached to this Court by filing Criminal Appeal No.589 of 2002. The said appeal came up before this Court and this Court (Coram : Rohit B. Deo, J.) on 8.11.2017 passed the following order:

“Heard.

2. The State is in appeal challenging the acquittal of the respondents for offence punishable under section 306 of the Indian Penal Code.

3. The appellant stands convicted for offence punishable under section 498-A of the Indian Penal Code and has challenged the said conviction before the Additional Sessions Judge, Achalpur in Criminal Appeal 8 of 2002, which is reportedly pending.

4. In this view of the matter, the appellant is directed to take appropriate steps within 07 days to move an application seeking

transfer of the appeal pending before the Sessions judge to this Court so that both the appeal preferred by the appellant before the Additional Sessions judge, Achalpur and the appeal of the State can be heard together.

5. The appellant is directed to ensure that an appropriate application is filed and circulated before the appropriate Bench, within 10 days.

6. List the appeal under the caption “order matters” for reporting compliance on 20.11.2017.”

5. In view of the directions given by this Court in the aforesaid order, the present applicants have filed the present application under Section 407 of the Code of Criminal Procedure, 1973 for transfer of appeal pending on the file of learned Additional Sessions Judge at Achalpur.

6. In view of the said, the application is allowed.

7. Criminal Appeal No.8 of 2002 pending on the file of learned Additional Sessions at Achalpur (Dhannanjay s/o Trimbak Gawli and anr .vs.. State of Mah., thr. Asegaon Police Station, District Amravati) is ordered to be transferred before this Court.

8. After receipt of Criminal Appeal No.8 of 2002, the

said be placed along with Criminal Appeal No.589 of 2002.

**9. Criminal Application (APPLN) No.65 of 2017 is
allowed and disposed of.**

JUDGE

!! BRW !!