

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.2080 OF 2018
IN
CRIMINAL APPEAL NO.823 OF 2011**

Narayan Pandurang Madhvi ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.Vikramsingh Parmar i/b Mr.Kedar Patil for the Applicant.

Ms.S.S. Kaushik, APP for the Respondent-State.

CORAM : SMT.BHARATI H. DANGRE, J.

**DATE : 24th DECEMBER 2018
(VACATION COURT)**

P.C.

1. Not on board. Taken on board.
2. The practice Note No.53 came to be issued by the Prothonotary and Senior Master, High Court and the Registry, High Court Appellate Side, Bombay.

It indicates that whenever in a Criminal Appeal against conviction, there are two or more appellants and they are represented by a common Advocate, subsequently, if an Advocate files appearance for only some of them, such appearance shall not be taken on record unless the Advocate makes an application for

separating Appeals of such parties represented by him. It also stipulates that unless he does so such appearance will be notified for objection and appeal will not be listed.

3. The appellant has moved this Court in light of the said Practice note and seeks a direction to the Registry to take steps for separation of the Appeal of the Appellant No.3 in Criminal Appeal No.823 of 2011 and register the separate appeal so filed.

4. The Criminal Appeal No.823 of 2011 filed by the accused who were convicted by the Additional Sessions Judge, Raigad vide Criminal Appeal No.823 of 2011 came to be admitted on 08th August 2011. At the relevant time, only one Advocate was representing all the three Appellants. Subsequently, Appellant No.3 obtained NOC from the Original Advocate on record and has appointed a new Advocate to represent him.

5. In light of the Practice Note referred to above, the Appeal filed by the present Applicant/Appellant No.3 is directed to be segregated and Registrar should permit registration of the fresh Appeal filed by the Appellant No.3 through the new Advocate.

6. The application is allowed in terms of prayer Clause (b).

(SMT.BHARATI H. DANGRE, J.)