IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

Criminal Application (APPA) No. 400/2018
In
Criminal Appeal No. 8/2007
(Manohar S/o Mahadeorao Satpute Vs. Prabhakar S/o Ramdasji Amrutkar & anr.)
with
Criminal Application (APPA) No. 401/2018
In
Criminal Appeal No. 7/2007
(Manohar S/o Mahadeorao Satpute Vs. Prabhakar S/o Ramdasji Amrutkar & anr.)

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

Shri S.M. Mishrikotkar, Advocate for appellants.
Shri I. J. Damle, Additional Public Prosecutor for respondent No.2.

CORAM : B.P. DHARMADHIKARI, J.

DATED : 10.05.2018.

Heard Shri S.M. Mishrikotkar, the learned Advocate for both the appellants and Shri I. J. Damle, the Additional Public prosecutor for respondent No. 2 and counsel for respondent No. 1 acquitted accused is absent.

2. The learned Additional Public Prosecutor submits that prima facie issue of limitation has been wrongly decided. According to him therefore, acquitted accused needs to be heard.

3. Shri Mishrikotkar submits that though he remained present on all most of occasion, for one absence on 4th April, 2018, cost of Rs. 1000/- has been imposed. He has already deposited that cost. Thereafter, again in unfortunate circumstances, cost of

Rs. 2000/- has been imposed on 12.04.2018 and also on Rs. 5000/- on 16.04.2018. Criminal Application Nos. 400/2018 and 401/2018 have been moved for waving that cost.

4. I have heard Mishrikotkar on these applications.

5. In this situation , in the interest of justice, orders of imposing cost of Rs. 2000/- passed on 12.04.2018 and Rs. 5000/- on 16.04.2018 are recalled. Criminal Application Nos. 400/2018 and 401/2018 are accordingly allowed.

6. However, the learned counsel for the applicants shall remain present before the Court on 04.06.2018 for conducting final hearing of these appeals. If he does not remain present on that day, the order of imposing cost shall revive.

7. Grievance of the counsel for appellants that counsel for accused have avoided hearing and have never turned up, shall be looked into on that date.

JUDGE

Gohane