

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

CRIMINAL APPLICATION (APPP) NO.1427/2018

AND

CRIMINAL APPLICATION (APPA) NO.818/2018

IN

CRIMINAL APPEAL NO.13/2017

Pradeep s/o Gunderao Falke

..vs..

State of Maharashtra, through Police Station Officer, Police Station
Bhiwapur, District Nagpur

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

Court's or Judge's Order

.....
Shri R.M. Ahirrao, Counsel for the applicant.
Shri A.M. Joshi, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : NOVEMBER 27, 2018.

1. These two applications are taken up for consideration simultaneously.
2. Heard learned counsel Shri R.M. Ahirrao for the applicant and learned Additional Public Prosecutor Shri A.M. Joshi for the State.
3. The applicant was convicted for offences punishable under Sections 354-A, 452 of the Indian Penal Code and under Sections 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. On 15.3.2017, the appeal was admitted and

on the same day the applicant was released on bail. Further, the applicant was directed to file paper-book within a period of 12 weeks failing which it was observed that the appeal shall stand dismissed without further reference to the Court. The applicant could not file the paper-book within the stipulated period. Consequently, order dated 15.3.2017 took its effect and the appeal is dismissed for want of prosecution.

5. Learned counsel Shri R.M. Ahirrao for the applicant submits that due to acute financial crisis the applicant could not file the paper-book within the stipulated period.

6. Even, otherwise the appeal was against conviction. It cannot be dismissed for want of prosecution. The appeal has to be decided on its own merits.

7. In that view of the matter, both the applications are allowed. Delay is condoned. The criminal appeal is restored to file along with the order of the bail.

8. It is to be mentioned here that since learned counsel Shri R.M. Ahirrao for the applicant has made a specific statement that as on today the applicant is not arrested, the bail order granted by this Court on 15.3.2017 to continue.

9. After gaining some financial support, the

applicant is permitted to prepare the paper-book.

10. Office is directed to place the appeal for final hearing as per its turn.

11. Both criminal applications are allowed and disposed of accordingly.

JUDGE

!! BRW !!