

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 787 OF 2019

Amir Sardar Khan @ Ammu ... Appellant

Versus

The State of Maharashtra ... Respondent

WITH
CRIMINAL APPEAL NO. 795 OF 2019
WITH
CRIMINAL APPEAL NO. 797 OF 2019
WITH
CRIMINAL APPLICATION NO. 861 OF 2019
AND
CRIMINAL APPLICATION NO. 862 OF 2019
AND
CRIMINAL APPLICATION NO. 860 OF 2019
IN
CRIMINAL APPEAL NO. 198 OF 2018

Mr. Aniket Belsarkar i/by Mr. Abhishek Avachat for the appellant in Criminal Appeal No. 795 of 2019.

Mr. M.G. Shukla for the appellant in Criminal Appeal No. 797 of 2019.

Mr. Arfan Sait, APP for the State.

Mr. P.S. Shinde, Jailor II, Kolhapur Central Prison.

CORAM : B.P. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.
DATE : SEPTEMBER 27, 2019

P.C.:

Four accused persons convicted in Sessions Case No. 203 of 2013 filed Criminal Appeal No. 198 of 2018 through private

advocate. That appeal has already been admitted for final hearing.

2. Thereafter accused nos, 2,3 and 4 have moved Criminal Application No. 862 of 2019, 860 of 2019 and 861 of 2019 for separating themselves from Criminal Appeal No.198 of 2018. They have filed their separate appeals.

3. These developments have been taken note of in the order dated 9/8/2019.

4. This court has earlier found that the fact of filing the appeal earlier was not pointed out and hence, some orders were passed.

5. However, as pointed out by the learned APP, private advocate appearing for those applicants have not appeared even in Criminal Appeal No. 198 of 2018 on any of these dates. Criminal Appeal No. 198 of 2018 continues for accused no. 1 Rustom Khan. High Court Legal Aid Services Committee has appointed three separate panel advocates for accused nos. 2, 3 and 4.

6. In this situation, in order to avoid further complications, we permit the appeals to be separated and the separate appeals filed by accused nos.2 , 3 and 4 vide appeal nos. 797 of 2019, 787 of 2019 and 795 of 2019 are admitted for final hearing.

7. The appellants therein are however, cautioned not to

suppress any fact in future from the court.

8. Subject to this, direction issued to them to deposit amount of Rs.5000/- each is withdrawn.

9. Accordingly all Criminal Applications are disposed of.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)