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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1443 OF 2017 IN
CRIMINAL APPEAL NO.801 OF 2014 WITH
CRIMINAL APPLICATION NO.1444 OF 2017 WITH
CRIMINAL APPLICATION NO.1531 OF 2018

Ajay Peter Topannu ...Applicant
(in all applications)
vs.
The State of Maharashtra ...Respondent
(in all applications)

None for the applicant
Mr.Arfan Sait, APP for the respondent-State

CORAM : A.S.OKA, &
A.S.GADKARI, JJ.
DATE : FEBRUARY 26, 2019

P.C.:

1 The first application is made by the applicant who is the appellant through jail is for engaging his own Advocate named in the said application. Other two applications are for fixing early date of hearing. There were two Advocates appointed by the Legal Services Committee to espouse the cause of the applicant in the main Appeal. Unfortunately, both the Advocates are no more. The order dated 15th November 2017 passed in Criminal Application No.1443 of 2017 grants liberty to the applicant to appoint Advocate Shri Vipul Dushing at his own costs. However, till today, the applicant has not engaged any Advocate. From the impugned order, it appears

that the applicant has undergone sentence for a period of six years and ten months. It appears that this Bench is taking up Appeals of accused in jail who have undergone sentence for more than seven years.

2 Hence, we pass the following order:

- (I) The applications are disposed of;
- (II) The appeal shall be added on weekly board as per its turn;
- (III) The Jail Superintendent, Yerwada Central Prison shall inform the applicant that both the Advocates appointed to espouse the cause of the applicant are no more and therefore, he is free to engage his own Advocate. If he unable to engage his own Advocate, High Court Legal Services Committee will appoint an Advocate to espouse his cause;
- (IV) A statement of the applicant shall be recorded by the concerned Jail Superintendent which shall be submitted to this Court through the office of Public Prosecutors;
- (V) For reporting compliance with these directions, the appeal shall be listed on 18th March 2019 under the caption of 'Directions';
- (VI) After this order was passed, the Registry has received e-mail from the Yerwada Central Prison enclosing therewith a statement of the applicant recorded today in which he has reiterated that he has engaged Shri Vipul Dushing as his Advocate. A copy of e-mail is taken on record and marked 'E-1'

for identification;

(VII) The concerned Jail Superintendent while complying with the aforesaid directions shall invite the attention of the applicant to the fact that Shri Vipul Dushing, Advocate has not filed Vakalatnama for him in the Appeal even as of today.

(A.S.GADKARI,J.)

(A.S.OKA,J.)