

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL CONFIRMATION CASE NO. 2 OF 2017

The State of Maharashtra. ... Appellant.
V/s.
1. Yogesh Ashok Raut.
2. Mahesh Balasaheb Thakur.
3. Vishwas Hindurao Kadam. ... Respondents.

WITH
CRIMINAL APPEAL NO. 233 OF 2018
WITH
CRIMINAL APPLICATION NO. 423 OF 2018
WITH
CRIMINAL APPLICATION NO. 1986 OF 2018
WITH
CRIMINAL APPLICATION NO. 2103 OF 2018

Yogesh Ashok Raut. ... Appellant.
V/s.
The State of Maharashtra. ... Respondent.

WITH
CRIMINAL APPEAL NO. 459 OF 2018

Mahesh Balasaheb Thakur. ... Appellant.
V/s.
The State of Maharashtra. ... Respondent.

WITH
CRIMINAL APPEAL NO. 460 OF 2018

Vishwas Hindurao Kadam. ... Appellant.
V/s.
The State of Maharashtra. ... Respondent.

Ms.P.P.Shinde, APP for the appellant in Confirmation Case and for the respondent- State in appeals/applications.
Mr.G.S.Jadhav i/b. Mr.Biju Antony Aloor for the appellants in appeals.

CORAM : A.S.OKA AND A.S.GADKARI, JJ.

DATE : 6th March 2019.

P.C. :

The trial Court has convicted accused No.1- Yogesh Raut, accused No.2- Mahesh Thakur and accused No.3- Vishwas Kadam for the offences punishable under various sections including section 302 as well section 120 of Indian Penal Code (for short "IPC") and section 376(2)(g) read with section 120B of the IPC. For the offence punishable under section 302 read with section 120B of IPC, the accused have been sentenced to death. The accused No.1 has preferred Criminal Appeal No.233/2018 against the order of conviction, the accused No.2 has preferred Criminal Appeal No.459/2018 against the order of conviction and the accused No.3 has preferred Criminal Appeal No.460/2018 against the order of conviction. In all the three appeals, the accused are represented by Shri B.A.Aloor, Advocate.

2. As none appeared for the accused in the confirmation case, notice was issued under the order dated 21st January 2019. Now the notice has been duly served. Our attention is invited to a compilation tendered by the learned APP which is taken on record and marked "C-1" for identification. From the compilation, we find that the accused No.2- Mahesh in his letter dated 6th March 2019 has stated that he has engaged services of the advocate Shri B.A.Aloor. The accused No.3- Vishwas in his

letter dated 2nd March 2019 addressed to the Judges of this Court has stated that he wants to engage a private advocate and, therefore, he needs time. The accused No.1- Yogesh has addressed a letter dated 3rd March 2019 to the learned APP to which he has enclosed a copy of his earlier letter in which he has prayed for appointing senior advocates mentioned therein as legal aid lawyers.

3. The accused No.1- Yogesh has filed Criminal Application Nos.2103/2018, 423/1018 and 1986/2018 through jail. The prayer made in Criminal Application Nos.2103/2018 and 1986/2018 is that out of senior advocates mentioned in the said application, one advocate should be appointed to espouse his cause. In Criminal Application No.423/2018, the accused No.1- Yogesh has prayed for providing of a copy of the paper book.

4. All the three accused have not discharged Shri B.A.Aloor who represents them in separate appeals filed by them against the order of conviction.

5. We, therefore, direct the Jail Superintendent to inform the three accused persons that they have already appointed Shri B.A.Aloor, Advocate to represent them in the appeals filed by them and that they have not discharged the said advocate. From the letters tendered across the bar, it is clear that the accused No.2 wants to engage the same advocate who is representing him in the appeal. The Jail Superintendent of the concerned jail will inform the accused No.3 that a reasonable time of 15 days has been granted to him to engage a private advocate in

confirmation case and, if he fails to engage a private advocate by next date, the Court will appoint appropriate advocate from the panel of High Court Legal Services Committee to espouse his cause. The accused No.1, in Criminal Application No.2103/2018, has requested for appointment of senior advocates mentioned in his letter. The said request cannot be acceded to as they are not on the panel and, therefore, he be informed by the Jail Superintendent that if he does not engage a private advocate in the confirmation case within a period of 15 days, this Court will appoint appropriate advocate from the panel of High Court Legal Services Committee to espouse the cause of the said accused. The statements of the accused shall be recorded by Jail Superintendent in the above terms.

6. We direct the Registrar (Judicial-I) to forward copies of the printed paper book to accused No.1 through the Jail Superintendent of the concerned jail as and when the printed paper books are received.

7. Accordingly, Criminal Application No.2103/2018, Criminal Application No.1986/2018 and Criminal Application No.423/2018 stand disposed of with the above terms.

8. Place the confirmation case and the connected appeals under the caption of direction on 29th March 2019 for fixing the date of hearing.

(A.S.GADKARI, J.)

(A.S.OKA, J.)