

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

CRIMINAL APPLICATION (APPA) NO. 295/2019

IN
CRIMINAL APPEAL NO. _____/2019

Krishna S/o Sahadeo Vaidya

..VS..

State of Maharashtra

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

Court's or Judge's orders

Shri S.K. Sable, Advocate for the applicant/appellant
Shri T.A. Mirza, APP for the non-applicant/respondent

CORAM : Z.A.HAQ & VINAY JOSHI, JJ.

DATED : 18/03/2019

Heard.

The applicant who is convicted for commission of offence punishable under Section 302 of the Indian Penal Code in Sessions Trial No. 12/2014 has filed appeal alongwith delay condonation application. It is brought to our notice by Shri T.A. Mirza, learned APP that another appeal is filed on behalf of the same appellant which is pending before this Court. With his assistance, the concerned appeal is traced out which is Criminal Appeal No. 209/2019. The record indicates that the said appeal is filed by the appellant through advocate of his choice and it is already admitted and record has been called.

We have verified that same order of conviction dated 17/01/2017 passed in Sessions Trial No. 12/2014 has been challenged in both the appeals. In such situation, the

present delay condonation application alongwith the present appeal would not survive as the appeal previously filed by the appellant is already admitted.

In view of the above, the present delay condonation application does not survive.

The criminal application is **disposed** accordingly.

JUDGE

JUDGE

Ansari