

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

**CRIMINAL APPLICATION NO. 1143 OF 2018
IN
CRIMINAL APPEAL NO. 187 OF 2018**

Maruti S/o. Somaji Kale

...Applicant

Versus

Apparao S/o. Pundlik Bhurke & Anr.

...Respondents

.....
Shri. V. A. Chavan, Advocate h/f Shri. D. R. Deshmukh, Advocate for
the applicant
Shri. K. S. Patil, APP for respondent/State
.....

WITH
CRIMINAL APPEAL NO. 187 OF 2018

WITH
CRIMINAL APPEAL NO. 435 OF 2018

WITH
CRIMINAL APPEAL NO. 328 OF 2018

...

**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

DATE : Friday, the 23rd OCTOBER, 2020

PER COURT : -

1. This application has been filed by the original complainant. It is requested that permission may be granted to enable the applicant to assist the learned Prosecutor in the appeal

preferred by the accused who has been held guilty u/s 304 Part-I of the Indian Penal Code, 1860 and sentenced to suffer rigorous imprisonment for 10 years. The State had also preferred an appeal for enhancement of the sentence and considering the Rule 2(II)(a) of Chapter-I of the Bombay High Court Appellate Side Rules, 1960 these proceedings will have to be heard by the Division Bench. The applicant has also preferred an appeal for enhancement of the sentence.

2. None present for the convict - Apparao.

3. We are of the view that, the original complainant having filed an appeal seeking enhancement, could assist the learned Prosecutor. As such, Criminal Application No. 1143 of 2018 is allowed.

4. List Criminal Appeal Nos. 187 of 2018, 435 of 2018 and 328 of 2018 on 07.01.2021, for final hearing.

[B. U. DEBADWAR]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE