

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

**19 CRIMINAL APPLICATION NO.1785 OF 2020
IN APEAL/64/2014**

SHAILENDRASINGH SIVMURTISINGH THAKUR
AND OTHERS .. Applicants
VERSUS
THE STATE OF MAHARASHTRA .. Respondent

Advocate for Applicants : Ms Priyanka R. Deshpande h/f.
Mr Vidyadhar Koshe

APP for Respondent / State : Mr R.V. Dasalkar

...
WITH

APPLN/657/2015 IN APEAL/480/2014 WITH
APEAL/480/2014 WITH APPLN/657/2015 IN
APEAL/480/2014 WITH APEAL/503/2013 WITH
APEAL/64/2014 WITH APPLN/1785/2020 IN
APEAL/64/2014 WITH APPLN(ST)/1795/202 IN
APEAL/64/2014

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

Date : 27-10-2020

PER COURT :-

1. We have heard the learned advocate for the applicants, who are accused nos.2 to 6 and the learned APP on behalf of the respondent. With their assistance, we have gone through the evidence brought on record by the witnesses. We have perused the earlier order dated 26-11-2014 vide which this Court has rejected Criminal Application No.678 of 2014 and has declined bail to the convicts.

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2. *Prima facie*, we find from the evidence brought on record that the dacoity was well planned. Though the case rests on circumstantial evidence, PW-4 Sumitkumar has testified that the accused had been at a scene of crime quite early in the morning and probably, since they were not successful in carrying out the dacoity, that they made a successful attempt in the evening which led to bleeding injuries to one Ms Chitra Munot and caused the death of Ramesh Munot.

3. The appeal is of 2014 and this Court had called upon the Registry of the Sessions Court, Ahmednagar to supply appeal paper-book and the Record & Proceedings, expeditiously. We are informed by the Registry that the order of this Court dated 26-11-2014 has not been complied with in the last 6 years.

4. For the reasons set out hereinabove, Criminal Application No.1785 of 2020 stands rejected.

5. List Criminal Appeal No.64 of 2014 along with Criminal Appeal Nos.480 of 2014 and 503 of 2013 (preferred by the State of Maharashtra), on 03-12-2020 for final hearing.

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6. The learned Registrar (Judicial) of this Court is directed to inform the learned Principal District Judge, Ahmednagar to ensure that the appeal paper-book and the Record & Proceedings in Sessions Case No.51 of 2008 decided on 17/21-10-2013 by the learned District Judge-3 and Additional Sessions Judge, Ahmednagar be delivered to this Court as expeditiously as possible and in any case, on or before 27-11-2020.

7. So also, the learned Registrar (Judicial) shall call for an explanation from the concerned Section of this Court as to why the directions of this Court dated 26-11-2014 have not been complied with and initiate appropriate action as may be permissible in law.

(B. U. DEBADWAR)
JUDGE

Gajanan

(RAVINDRA V. GHUGE)
JUDGE