

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 CRIMINAL APPLICATION NO.1116 OF 2021
IN APEAL/19/2021 WITH APEAL/18/2021 WITH APEAL/19/2021
WITH APEAL/20/2021 WITH APPLN/1268/2021 IN APEAL/18/2021 WITH
APPLN/1418/2021 IN APEAL/19/2021

RAHUL BABASAHEB DARKUNDE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr Satish A. Gaikwad
APP for Respondent-State : Mr G.O. Wattamwar

**CORAM : V.K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 14th SEPTEMBER, 2021

PER COURT :

1. Heard both the sides.
2. In view of the ratio laid down by this Court in case of ***Bhaskar Pandit Kadam and Anr. Vs. State of Maharashtra*** reported in **1984 (2) Bom.C.R. 769**, whenever there is one appeal irrespective of number of applicants, only one advocate can appear in support of the appeal and two advocates cannot appear for two different appellants in the same appeal. However, if one of the appellants wants to engage a different advocate in an appeal, which has already been filed or admitted, an application for separating the appeal of that person must be necessarily made. On that application, a separate application be registered by office. Then, there would be two appeals which can be supported by two different advocates appearing.
3. In the instant matter, the original accused Nos. 5, 6 and 7 have

preferred the joint appeal bearing Criminal Appeal No. 19/2021 against the judgment and order of conviction. However, by filing these two applications, the applicant/accused No. 6 in Criminal Application No. 1116/2021 and the appellant/accused No. 5 in Criminal Application No. 1418/2021 request for separating the appeal.

4. In view of the ratio laid down in the case referred above, and since the appellants/original accused Nos. 5 and 6 have engaged the separate counsel to represent them, we direct the office to register separate the appeals in respect of the said original accused Nos. 5 and 6. There would be two appeals in addition to criminal appeal No. 19/2021 supported by the two different advocates appearing for them.

5. The criminal applications are accordingly allowed in terms of prayer clause (B).

6. Both the criminal applications are accordingly disposed of.

7. Place the Appeals on 16.09.2021.

[SHRIKANT D. KULKARNI, J.]

[V.K. JADHAV, J.]

mta