

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 CRIMINAL APPLICATION NO.1746 OF 2021
IN APEAL/347/2019 WITH APEAL/347/2019

BHATU HIRAMAN KHANJOLKAR (BARI)
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. Mewara Rajesh H. and Aniket Wagal
APP for Respondents: Mr. K.S. Patil
.....

**CORAM : V. K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.
DATED : 24th SEPTEMBER, 2021**

PER COURT:-

1. Heard.

2. We have expressed our disinclination to entertain this application for the reason that this court (Coram: T. V. Nalawade and K. K. Sonawane, JJ.) on 31.7.2019 has rejected the application by marking absence of counsel representing the applicants observing that the applicants are not interested in prosecuting the matter. It appears that instead of filing application for expeditious hearing of the appeal, the applicants have again filed the present application for suspension of sentence and for bail. We do not find any justifiable reason waiting for two years, when the said order was passed on 31.7.2019, and filing this application for suspension of sentence and for bail.

3. Learned counsel for the applicants, at this stage, on instructions, seeks leave to withdraw this application. Learned counsel however, submits that there are six accused persons and all are convicted for the offence punishable under Sections 364(A) and 120-B of I.P.C. They were under trial accused and after conviction they are in jail. Learned counsel thus requests that the appeal may be heard expeditiously.

4. Leave granted. The application is dismissed as withdrawn.

5. List the criminal appeal for final hearing on 10.12.2021.

(SHRIKANT D. KULKARNI, J.)

(V. K. JADHAV, J.)

rlj/