

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL INTERIM APPLICATION NO.272 OF 2021
IN
CRIMINAL APPEAL NO.545 OF 2017

Shri. Santosh Laxman Niskate

....Applicant

Versus

The State of Maharashtra

....Respondent

Ms. M.M. Deshmukh, APP for the Respondent-State.

**CORAM : PRASANNA B. VARALE &
SURENDRA P. TAVADE, JJ.**

DATE : 16th MARCH, 2021.

P.C. :

1. The applicant-Santosh Niskate, Convict No.C-6320 lodged in Thane Central prison forwarded the present application through prison with a prayer of early hearing of the appeal. The perusal of the application shows that a communication dated 13.11.2019 bearing Outward No.6177 was forwarded with the very prayer i.e. early hearing of the appeal. This communication was for consideration before the Division Bench of this Court on 15.01.2020, but none appeared for the applicant. The Division Bench of this Court to which one of us was party (Shri. Surendra P. Tavade, J.) by observing that since old appeals than the present appeal are pending for hearing, as such this Court was not inclined to hear the matter on out of turn priority basis, disposed of the application.

2. Now the perusal of the communication dated 27.01.2020 shows that the applicant-convict-Santosh Niskate is not aware of this order dated 15.01.2020. As such, he reiterates his prayer for early hearing of the appeal. There is no substantial change in the circumstances post the order passed by the Division Bench dated 15.01.2020. We are of the same opinion that the old appeals are pending in this Court for consideration and

no reason is coming forth so as to hear the appeal filed by the convict-Santosh Niskate bearing Criminal Appeal No.545 of 2017 on priority basis. The application as such is disposed of.

3. Learned APP to communicate this order to the convict-Santosh Niskate, who is lodged at Thane Central prison. It is also observed by us that convict-Santosh Niskate had engaged a counsel of his choice, who is representing him in the Criminal Appeal No.545/2017. The Office is also directed to intimate the learned counsel engaged by the applicant-Santosh Niskate at his choice. We hope and trust that the learned counsel engaged by the applicant would take necessary steps for filing proper applications pending appeal.

4. All the concerned to act on an authenticated copy of this order.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)