

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 84 OF 2021
IN
CRIMINAL APPEAL NO. 538 OF 2014

Ashish Bharat Jadhav. ... Applicant.

V/s.

State of Maharashtra & anr. ... Respondents.

WITH
CRIMINAL APPEAL NO. 484 OF 2014

Sameer Ashok Bhagwat & anr. ... Appellants.

V/s.

State of Maharashtra & anr. ... Respondents.

None for applicant in IA 84/2021.

Mr. Priyal G. Sarda, advocate for appellant in Appeal No. 538/2014.

None for appellant in Appeal No. 484/2014.

Mr. Arfan Sait, APP for State.

ARUNA S
TALWALKAR
Digitally
signed by
ARUNA S
TALWALKAR
Date:
2021.10.28
12:54:04
+0530

**CORAM : SMT. SADHANA S. JADHAV &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : OCTOBER 28, 2021.

PC.

1 None present for the applicant.

2 It is seen from the record that the appeal is filed through Senior Counsel Mr. Manoj Mohite. The application under section 389 of the Code of Criminal Procedure, 1973 filed by Senior Counsel Mr. Mohite

was rejected by this Court(Coram: P.V. Hardas & Smt. Anuja Prabhudessai, JJ) vide order dated 28/7/2014.

3 Learned Counsel Mr. P.G. Sarda submits that he has obtained “No Objection Certificate” from Mr. Mohite in Criminal Appeal and requests this Court to fix the matter for final hearing. In the meanwhile, it is seen that Interim Application No. 84 of 2021 is filed through Advocate Mr. Mahendra Kawchale, who is not appearing in appeal. Needless to say that an Interim Application seeking suspension of substantive sentence is filed in main proceedings by another advocate without obtaining any consent from the advocate appearing in appeal. This practice is deprecated. The filing of such an interim application only for the purpose of bail in pending appeal cannot be countenanced.

4 In any case, learned Counsel Mr. Kavchale has not appeared in this matter on 30/8/2021 as well as 21/9/2021. In view of this, the Interim Application stands dismissed for want of prosecution and is accordingly disposed of.

(PRITHVIRAJ K. CHAVAN, J)

(SMT. SADHANA S. JADHAV, J)