

Shambhavi
N. Shivgan

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Date: 2021.01.11
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal I.A. No. 44 / 2021
with
Criminal I.A. No. 703 / 2020
in
Criminal Appeal No. 224 / 2020

Salauddin @ Babbu @ Chikana
Mainuddin Kureshi

.. Appellant

Vs.

The State of Maharashtra

.. Respondent

Mr. Gaurav Bhawani, Advocate for the Appellant.
Mr. R.M. Pethe, APP for State/ Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : 11th JANUARY, 2021

P.C. :-

Heard. Learned Counsel for the Appellant and learned
APP for State.

1. This is an application made by the accused no.1 in

Criminal Appeal No. 224/2020. The appeal is joint appeal preferred by two accused, which has been admitted on 26th February, 2020. The present application is filed for separating the appeal of the applicant in terms of clause (v) of Practice Note no. 53 dated 2nd April, 2018. This Practice Note has been issued in the light of the settled law that in one appeal, different appellants cannot be represented by different advocates. Herein, the applicant is appointed another lawyer to argue his appeal. In view of this fact and in terms of provision of clause (v) of Practice Note no. 53, application is allowed in terms of prayer clause 12 (i).

2. It is clarified that since the Criminal Appeal No. 224 / 2020 was filed within limitation and has been admitted, it is not necessary for the applicant to file an application for condonation of delay. The Vakalatnama filed by the Advocate for the applicant shall be treated as Vakalatnama in separate appeal, which the applicant no. 1 shall file within three weeks

from today. Thereafter it should be numbered and treated as 'admitted' as Criminal Appeal No. 224/2020 has been admitted.

3. The Criminal Appeal No. 224 of 2020 and Appeal of the applicant, which he undertakes to file within three weeks from today, shall be heard together.

4. Interim Application is allowed in terms of prayer clauses 12 (i) to (iv).

5. Interim Application No. 44/2021 is disposed of.

6. List the appeal no. 224/2020 as per C.I.S.

(SANDEEP K. SHINDE, J.)

NAJEEB//