

2. It needs no mention that, the criminal appeal has to be heard on its merits and cannot be dismissed such a way. Learned counsel for the petitioner submits that, the petitioner

is ready to deposit the Paper Book charges within a week. The order impugned herein is, therefore, set aside. The Criminal Appeal No.18/2004 stands restored to the file of the learned Additional Sessions Judge, Ambajogai for being decided on its own merits. Even the Criminal Appeal may be heard by dispensing with the Paper Book.

3. It is informed that, the trial Court has issued non-bailable warrant only with a view to seek execution of the order of sentence which was under challenged in the Criminal Appeal, which came to be dismissed in default. The order of issuance of warrant, if any, is also hereby quashed and set aside.

4. Criminal Writ Petition stands disposed of.

**(R. G. AVACHAT)
JUDGE**

fmp/-