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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2950 OF 2022

IN

CRIMINAL APPEAL NO. 227 OF 2017

Raju Appasaheb Patil and Anr. .. Applicants/Appellants

Versus

State of Maharashtra .. Respondent

Mr. Dilip Bodake for Applicants /Appellants

Mr. Sagar A. Rane, Appointed Advocate for Appellant in Cri. Appeal
No. 227/2017

Mr. H. J. Dedhia, APP for State

**CORAM : A. S. GADKARI &
MILIND N. JADHAV, JJ.**

DATE : 14th September, 2022.

P.C.:

This is an application for recalling/modification of the Order dated 03.08.2022

2. As the learned Advocate on record for Appellant did not remain present on successive occasions, this Court by its Order dated 03.08.2022 had directed Registry to appoint an Advocate from the panel of High Court Legal Services Committee, Mumbai to represent and espouse cause of the Appellants.

3. Mr. Bodake, learned counsel for the Applicants/Appellants submitted that, on 20.07.2022 so also on 03.08.2022, he was held up before other Benches and therefore could not appear in the present

Appeal. He submitted that, the relatives of Appellants have insisted him to argue the matter and therefore, he has filed the present Application.

4. In view thereof and for the reasons stated in the Interim Application, we recall the order dated 03.08.2022 subject to condition that, the Appellants shall pay a cost of Rs. 10,000/- to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from today.

Subject to payment of cost to the said library, Order dated 03.08.2022 is recalled and Mr. Bodke is permitted to continue with the present Appeal.

5. High Court Legal Services Committee, Mumbai is directed to pay necessary professional fees to Advocate Mr. Sagar Rane for preparation in the matter and appearing before this Court today.

6. It is made clear that, from the next occasion, if the learned Advocate on record or his counsel remains absent, this Court will proceed with the Appeal by appointing an *amicus curiae*.

7. Interim Application is allowed in the aforesaid terms.

[MILIND N. JADHAV, J.]

[A. S. GADKARI, J.]