

ssk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3453 OF 2022****IN****CRIMINAL APPEAL NO. 419 OF 2017**

Sanjay Jagannath Malve

.. Applicant/Appellant

Versus

State of Maharashtra

.. Respondent

Mr. Sachin B. Chandan, Advocate appointed for Appellant.

Mr. Kamran Shaikh for Applicant

Mr. S. S. Hulke, APP for State.

**CORAM : A. S. GADKARI &  
MILIND N. JADHAV, JJ.****DATE : 20<sup>th</sup> October, 2022.****P.C.:**

. This is an application for recalling the Order dated 05.09.2022 thereby appointing an Advocate from the panel of High Court Legal Services Committee, Mumbai to represent and espouse cause of the Appellant. As the Advocate on record for the Appellant did not remain present on more than two occasions, we directed the Registry to appoint an Advocate from the panel of High Court Legal Services Committee and the Appeal was kept for final hearing. It is needless to mention that, by following the guidelines issued by the Hon'ble Supreme Court in the case of *Surya Baksha Singh Vs. State of Uttar Pradesh* reported in 2014(14)SCC 222, we had passed the said Order dated 05.09.2022.

2. Advocate Kamran Shaikh submitted that, due to inadvertence on his part he could not remain present on 17.08.2022 and 05.09.2022 when the Appeal was called out for hearing. He submitted that, there was an error on his part in not following the matter diligently.

3. In view thereof and for the reasons stated in the Application, Order dated 05.09.2022 is recalled and Advocate Kamran Shaikh is permitted to continue with his Vakalatnama for and on behalf of the Appellant and argue the Appeal subject to condition that, Appellant shall pay a cost of Rs.2,000/- to Kirtikar Law Library, High Court, Mumbai within a period of three weeks from today.

Subject to payment of the said cost, Order dated 05.09.2022 is recalled.

4. Interim Application is allowed in the aforesaid terms.

[ MILIND N. JADHAV, J. ]

[A. S. GADKARI, J.]