

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1893 OF 2021

Sadanand Vinayak Sathe : Applicant.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Swapnil Ovalekar for the Applicant/Appellant.
Mr. S S Hulke APP for the Respondent No.1/State.

CORAM : S. S. SHINDE,
N. R. BORKAR, JJ
DATE : 26th FEBRUARY 2022

P.C.

1 This is an application for bail. The learned counsel appearing for the Applicant submits that the Applicant/Appellant is in jail since the year 2010. It is submitted that the Appellant had requested for appointment of an advocate through legal aid panel so as to file appeal, and appear on his behalf before this Court. It is also submitted that in the year 2011, the High Court Legal Services Committee, Bombay appointed advocate Mr. R A Yadav to file appeal on behalf of the Sadanand Vinayak Sathe, i.e. the Applicant herein. However, the said advocate Mr. R A Yadav did not take steps for about 10 years to file Appeal. Thereafter advocate Mr. Swapnil Ovalekar has been appointed to represent the appellant.

2 It is very unfortunate that the advocate, who was appointed in the

year 2011, did not take steps to file appeal within time, and as a result, the appellant is languishing in jail for more than 11 years.

3 The learned counsel for the Applicant/Appellant submits that he does not want to press this Application for bail, if the Appeal itself set down for final hearing.

4 It appears that the record and proceedings are not received and as a consequence, the appeal cannot be set down for final hearing immediately. However, we request the Principal District Judge, Nashik to ensure that the record and proceedings in relation to Sessions Case No.70 of 2010 (State of Maharashtra v/s. Sadanand Vinayak Sathe and anr), if already not sent, shall be sent forthwith to the Registry of this Court with a special messenger so as to reach the record and proceedings in the concerned Section of the Registry of this Court on or about 03rd March 2022.

5 Upon receiving the record and proceedings, the concerned Section of the Registry of this Court shall take out the photo copies of the notes of evidence and furnish one copy of the such set of notes evidence to advocate Mr. Swapnil Ovalekar, who is appointed to represent the Appellant, and one copy to Mr. S S Hulke, the learned APP appearing for the Respondent/State on or before 08th March 2022.

6 List the Appeal for final hearing on 10th March 2022, to be shown
“First on Board. The Interim Application No.1893 of 2021 stands disposed of.

[N. R. BORKAR, J]

[S. S. SHINDE , J]