

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (APPA) No. 919 of 2022

in

Criminal Appeal No. 636 of 2019

[Vijay S/o Rama Hatwar ..vs.. The State of Maharashtra, through P.S.O., P.S. Mouda, Tah. Mouda,
Dist. Nagpur]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. S. Rao, APP for the State/respondent

**CORAM : ROHIT B. DEO AND
URMILA JOSHI-PHALKE JJ.**

DATED : 21-11-2022

Paragraph 2 of the application reads thus :

“2. Prior to filing this application for suspension of sentence, the appellant had preferred a Criminal Application No. 723/2019 for suspension of sentence. The appellant had not pressed the said application. This Hon’ble Court had by its order dated 19/09/2019 had directed this Appeal to be listed for final hearing and had granted liberty was granted to move fresh application if the appeal is not decided in November 2019. Thereafter appeal was listed on final hearing board on various occasions but did not come up for final hearing. The instant appeal was admitted on 19/09/2019.”

2. It is obvious that the appellant is claiming suspension of sentence on the ground that he has been granted liberty by this Court to apply afresh, if the appeal is not heard till November, 2019.

3. Surprisingly, the learned counsel for the applicant/appellant is absent.

4. Since the appeal is listed for final hearing today, and we would have heard the appeal had the learned counsel for the appellant been present, we see no propriety in considering this application. The application is dismissed.

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5. Stand over to 5-12-2022.

(Urmila Joshi-Phalke, J.)

(Rohit B. Deo, J.)

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