

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CRIMINAL APPEAL NO.113 OF 2023
WITH
CRIMINAL APPLICATION NO.236 OF 2023
IN APPEAL/113/2023

GULAMALI MURADALI MAKRANI

VERSUS

THE STATE OF MAHARASHTRA

...

Mrs. Vaishali A. Shinde (More), Advocate for appellant

Mr. R.D. Sanap, APP for respondent

...

CORAM : SMT. VIBHA KANKANWADI
Y.G. KHOBRADE, JJ.

DATE : 04th MAY, 2023

ORDER :

1 Now, the Registrar (Judicial) is also pointing out by making submission as well as learned APP as well as learned Advocate appointed through Legal Aid to represent the appellant that the appellant had already challenged his conviction in Sessions Case No.6/2009 by learned Additional Sessions Judge, Shahada, Dist. Nandurbar on 13.01.2012. He was the appellant No.1 in Criminal Appeal No.501 of 2012 and it came to be decided along with Criminal Appeal No.37 of 2012 and Criminal Appeal No.242 of

2012. The coordinate Bench of this Court by order dated 16.07.2015, by a detailed order dismissed the Criminal Appeal Nos.37 of 2012 and 501 of 2012 challenging the conviction of the appellants therein which included the present appellant. It appears that this fact was not pointed out to the Legal Services Authority and upon the application by the appellant it appears that learned Advocate Mrs. Vaishali Shinde was appointed, who has learned from her duty to file the appeal, but unfortunately the conviction has been confirmed by this Court by said order. The communication is also received from Dhule Prison, where the appellant is lodged. Under such circumstance, the second appeal is not maintainable. The appeal stands disposed of along with the criminal application filed for suspension of sentence.

(Y.G. Khobragade, J.)

(Smt. Vibha Kankanwadi, J.)

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