

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.338 OF 2023
IN
CRIMINAL APPEAL NO.475 OF 2016**

- 1) Umesh S/o Ishwar Patil,
- 2) Chandu S/o Ishwar Patil
@ Samadhan S/o Eshwar Patil

...APPLICANTS

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr. Vikram R. Dhorde Advocate for Applicants.
Mr. S.J. Salgare, A.P.P. for Respondent - State.
...

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

DATE : 28th MARCH, 2023

ORDER :

1. Present Application is successive application for suspension of sentence. Earlier application i.e. Criminal Application No.4901 of 2016 came to be rejected by this Court on 25th October 2016. Present applicants are original accused Nos.4 and 6. When the earlier bail application was rejected on 25th October 2016 even original appellant No.1 / original accused No.3 - Ishwar Khandu

Patil was also one of the applicant. However, thereafter by filing Criminal Application No.3388 of 2019, original appellant No.1 – accused No.3 prayed for temporary suspension of sentence on the health grounds, which came to be allowed on 2nd December 2022. Now learned Advocate appearing for the applicants submits that accused No.3 - Ishwar Khandu Patil has expired. The death certificate is not filed on record. Learned Advocate for the applicants is directed to produce the death certificate of original appellant No.1 before the next date.

2. Heard learned Advocate Mr. Dhorde appearing for the applicants and learned APP Mr. Salgare appearing for the State.

3. Learned Advocate for the applicants has tried to take us through the same contentions and grounds which were raised by the applicants in their Criminal Application No.4901 of 2016 which came to be rejected on 25th October 2016. This Court cannot review its own order or seat as an appellate Court on the order passed by the Coordinate Bench and therefore the subsequent application cannot be entertained.

4. Learned Advocate for the applicants is now pressing for prayer clause (D) i.e. to expedite the Criminal Appeal filed by the applicants – appellants. It will not be out of place to mention here that this Court is now taking the jail appeals of the year 2016. Therefore, there is no necessity to pass separate order for expeditious hearing of the Appeal. The Appeal would be taken up as per its turn, since there are about 75 jail appeals of 2016.

5. Accordingly, Criminal Application No.338 of 2023 stands rejected.

6. For hearing Criminal Appeal No.475 of 2016, the tentative date is given as 2nd May 2023.

[Y.G. KHOBRAGADE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE