

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

207 CRIMINAL APPLICATION NO.832 OF 2023
IN
CRIMINAL APPEAL NO.269 OF 2016

NAGORAO PANDURANG DIVASE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. S.S. Palnitkar, Advocate for applicant

Mr. Amit Tandulkar, Advocate h/f Mr. G.G. Kadam, Advocate for appellants in
Appeal/269/2016

Mr. A.V. Deshmukh, APP for respondent

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

DATE : 13th MARCH, 2023

PER COURT :

1 Issue notice to the respondent. Learned APP waives notice for respondent.

2 Present criminal application has been filed for filing separate appeal. It is presented by accused No.4 – appellant No.4 in Criminal Appeal No.269 of 2016. The said appeal is already admitted. Even it was taken for

hearing today, but present application has been then noted. Under such circumstance, when the applicant intends to engage different Advocate, but the fact remains is that the objection is that Advocate who wants to be engaged by the applicant has not signed the Vakalatnama itself. He is now permitted to sign on the Vakalatnama. Further, when asked, as to why he has not obtained consent from the earlier Advocate, he is making submission that the appellant had asked for no objection from the earlier Advocate but he had not given and, therefore, the applicant had issued notice to him. Further, when as per the record, the appellant-applicant is in jail and there is no stamp of jail authorities on the Vakalatnama, learned Advocate for the applicant submits that on the day of signing on the Vakalatnama applicant was on furlough leave. Therefore, the learned Advocate for the applicant is directed to produce the copy of the notice as well as copy of the furlough leave order, within a period of one week. On these conditions the application stands allowed and disposed of. A separate appeal be filed within one week.

(Y.G. Khobragade, J.)

(Smt. Vibha Kankanwadi, J.)