



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 1417 OF 2023
IN APEAL/265/2011**

Devidas @ Bhau Vishwanath Indore Died Through Legal Heirs
1A. Varsha Wd/o. Devidas Indore and Another

Versus

The State of Maharashtra and Another

....

Mr. Amar D. Soman, Advocate for Applicant
Mr. S. D. Ghayal, APP for Respondent – State

....

WITH

CRIMINAL APPEAL NO. 262 OF 2011

Sanjay Fakirchand Fatelashkar and Others

Versus

The State of Maharashtra and Others.

....

Mr. Joydeep Chatterji, Advocate for Appellants
Mr. S. D. Ghayal, APP for Respondent – State
Mr. Patel Shaikh Ashpak Taher, Advocate for Respondent Nos. 2 to 4

....

WITH

CRIMINAL APPEAL NO. 265 OF 2011

Devidas @ Bhau Vishwanath Indore Died Through Legal Heirs
1A. Varsha Wd/o. Devidas Indore and Another

Versus

The State Of Maharashtra and Another

....

Mr. A. G. Kulkarni a/w Mr. Amar D.Soman, Advocate for Appellant.
Mr. S. D. Ghayal, APP for Respondent – State
Mr. Patel Shaikh Ashpak Taher, Advocate for Respondent 2.

....

WITH

CRIMINAL APPEAL NO. 366 OF 2011

Mohammad Sirajoddin Asadoddin Faruqui

Versus

The State Of Maharashtra And Others

....
Mr. Patel Shaikh Ashpak Taher, Advocate for Appellant
Mr. S. D. Ghayal, APP for Respondent – State
Mr. Joydeep Chatterji, Advocate for Respondent Nos.2, 5 to 7 and 9
Mr. D. V. Soman, Advocate for Respondent No.4.
Mr. A. K. Bhosale, Advocate for Respondent No.5.
Mr. Gaurav Deshpande, Advocate for Respondent No.8.
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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 04th DECEMBER, 2023

PER COURT :

1. Heard learned learned Advocate for the applicants as well as learned APP. The present application is filed by the legal heirs of original appellant Devidas @ Bhau S/o. Vishwanath Indore for fixing early date of hearing.

2. It will not be out of place to mention here that the appeal filed by the deceased appellant is along with appeal by co-accused persons and original accused who have preferred the appeals challenging their conviction have been released on bail by suspending their sentence.

3. Original accused Devidas @ Bhau Vishwanath Indore was employed in police department. It appears from the record that though he came to be convicted in 2011, he was removed from the services on 20.06.2019. He had preferred appeal before the

Hon'ble Minister, however, that came to be dismissed. It is now stated by the legal heirs, who want to continue prosecution that the benefit of the deceased have been withheld and for that purpose they want early hearing of the appeal. Certain information was called from learned APP which has been produced on record and it is taken by marking it as Exhibit-'X'.

4. Here, it is to be noted that, all the appellants are on bail and the appeals in which the appellants are on bail are pending before this court since 2011. The appeal preferred by the appellants herein is of 2011 and it would definitely take certain time, but taking into consideration the reasons that has been mentioned at the most, the matter can be taken up for final hearing in the week commencing from 04.03.2024.

5. Appeals to be listed accordingly. The criminal application stands disposed of.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)