

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 CRIMINAL APPLICATION NO.2608 OF 2022
IN APPEAL/438/2019 WITH APPEAL/438/2019

SANTOSH ASHROBA SONWANE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. N.S. Ghanekar, Advocate for applicant

Mr. R.V. Dasalkar, APP for the sole respondent

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CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.

DATE : 09nd JANUARY, 2023

PER COURT :

1 Heard both sides.

2 Learned Advocate for the applicant is pointing out order passed by this Court on 25.11.2021 in Criminal Application No.1383 of 2019 by which the applicant had prayed for suspension of sentence, however, he has withdrawn that application and it appears that from the said order that the learned Advocate for the applicant was heard for sufficient time. It shows that after the disinclination was shown by this Court that application was

withdrawn. Under such circumstance, this application wherein the applicant is again praying for suspension of substantive sentence is not maintainable as there is no change in circumstance.

3 When the earlier application was withdrawn, it appears that liberty was granted to the applicant to file an application for expeditious hearing of the appeal and accordingly the alternate prayer has been made in this case. It is to be noted that the appeal is of the year 2019. Though the appellant is in jail this Court at present hearing the jail appeals of the year 2015. It has been mentioned in the application that the mother of the applicant is 60 years old and is suffering from subacute appendicitis clinical. He has produced certificate at page No.9 dated 10.06.2022. Whether she has again got her medical check-up done and what is present position has not been stated. Though the medical certificate is of the date 10.06.2022, the application has been filed on 05.08.2022. That means, there is no immediate medical emergency. The reason stated does not appear to be of such a nature to expedite the hearing. There are many convicts who are in the queue. Therefore, application stands rejected.

(Abhay S. Waghware, J.)

(Smt. Vibha Kankanwadi, J.)