

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

**905 CRIMINAL APPLICATION NO.3502 OF 2023
IN APPEAL/540/2018 WITH ALS/91/2020 WITH APPEAL/
518/2020 WITH APPEAL/540/2018 WITH
APPEAL/563/2018 WITH APPEAL/565/2018**

GAJANAN SHANKERAPPA SATBHAI
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. S.J. Salunke Advocate for Applicant.
Mr.S.D. Ghayal, A.P.P. for Respondent – State.
...

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

DATE : 17th OCTOBER, 2023

ORDER :

1. Present Application has been filed by the original accused No.2 for filing separate appeal. It appears that he has changed his Advocate. His earlier appeal has been admitted. Under the said circumstance, there is no hurdle in allowing him to file separate appeal. Therefore the Application stands allowed.

2. It appears that in the original Appeal i.e. Criminal Appeal No.540 of 2018 as well as present application also the original

informant i.e. Nandabai wd/o Shivanand Waykole (widow of deceased) as well as injured Ganesh Waykole were not made as party respondent. In view of ***Emperor vs. Chunilal Bhagwamko. Reported in AIR (29) 1942 Bombay 205(1)***, they are required to be made as party respondent. Injured Ganesh Waykole appears to have filed an application for assist to PP. As well as Ganesh Waykole has filed the Appeal which appears to be under Section 372 of the Code of Criminal Procedure i.e. Criminal Appeal No.518 of 2020. Under the said circumstance, now we direct the appellants i.e. original accused persons who have filed Appeal challenging their conviction, to add said Nandabai as well as Ganesh as party respondents. Amendment to be carried out immediately. Learned Advocate Mr. D.M. Shinde waives notice for added respondent – Ganesh. Notice of added respondent – Nandabai is made returnable on 6th November 2023.

3. Separate Appeal to be filed in view of the fact that Criminal Application No.3502 of 2023 came to be allowed today, within a period of one week, by giving copy of the same to the other side in advance.

4. On the next date, the matter would be considered for admission of Criminal Appeal No.518 of 2020 and Application for Leave to Appeal by State No.91 of 2020. Stand over to 6th November 2023.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/OCT23