

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

**CRIMINAL APPLICATION NO. 3630 OF 2023 IN
CRIMINAL APPEAL NO. 277 OF 2005**

Mohd. Abdul Naim s/o Mohd.
Abdul Naim & others

Applicants

Versus

State of Maharashtra

Respondent

Mr. Joydeep Chatterji, advocate for the Applicants
Mr. P. M. Kulkarni, APP for the Respondent-State

**CORAM : SANDIPKUMAR C. MORE, J.
DATE : 27th SEPTEMBER, 2023.**

P.C. :

Heard rival submissions.

The applicants, being the legal representatives of deceased appellant i.e. original accused, are seeking early hearing of this appeal on the ground that today, applicant no.1 is aged about 66 years and having no independent source of income. Further, applicants no.2 and 3 are required to look after their respective families also and, therefore, are unable to maintain applicant no.1. Due to pendency of this appeal, the original accused-appellant had

not received any retiral benefits and after his death also the applicants are still deprived of the same.

The learned APP, though opposed the application on the ground that the Court is taking appeals wherein convicts are on bail for final hearing only up to the year 2002, but in the alternative, submitted for passing suitable orders.

Though this Court is taking appeals wherein convicts are on bail for final hearing only up to the year 2002, but this appeal, which is o pertaining to the year 2005, is also more than 10 years' old. Further, considering the age of the applicant no.1, the appeal can be worked out by fixing any suitable date for final hearing.

As such, the appeal is fixed for final hearing on 25.10.2023.

Criminal Application is accordingly disposed of.

SANDIPKUMAR C. MORE
JUDGE

adb