

Iresh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2421 OF 2021
IN
CRIMINAL APPEAL NO. 800 OF 2019**

Santosh Tukaram Pawar and another ...Applicants

Versus

The State of Maharashtra ...Respondent

Ms. Vrushali Maindad a/w Shaheen Kapadia a/w Shrushti Tupe a/w
Mahenoor Khan for the applicant
Mrs. P. P. Shinde, APP for the State

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATE : 9th NOVEMBER 2023

P.C. :

1. Learned counsel for the applicant has moved a praecipe for speaking to the minutes of the order dated 7th October 2023. The corrections are sought in paragraph no. 6. She states that inadvertently, she had made incorrect statement, pursuant to which, the same was recorded in paragraph no. 6 of the order dated 7th October 2023. She states that said paragraph no. 6 needs to be

replaced with following correction:

*“6. According to P.W. 1- Sitaram (first informant and eye witness), he had witnessed the incident of assault of his nephew – Ichappa on 26th April 2014. P.W. 1- **Sitaram** in his evidence has named the accused who assaulted his nephew and the weapons held by them with which his nephew was assaulted. No specific overt act has been attributed to the accused nor have the applicants been named by P.W. 1 in 161 statement. A general statement had been made by the P.W. 1 before the court that Accused no. 14 along with several other Accused persons was holding stick, stone, swords and other weapons. In fact, the said witness has not even identified the applicants in the court. It appears that this witness has identified the Accused no. 11 and 14 in the court, for the 1st time”*

2. Learned APP states that the said paragraph will have to be corrected in as much as that P.W. 1-Sitaram has attributed the role to some of the accused.

3. Accordingly, paragraph no. 6 to be replaced with the aforesaid correction.

4. Rest of the order will remain the same.

5. For making an incorrect statement, learned counsel for the applicant to deposit cost of Rs. 10,000/- to be deposited in the Advocates Association of Western India Generation Next, A/c No: 000110110007807, Bank of India, Mumbai Main branch, IFSC Code: BKID0000001.

GAURI GODSE, J.

REVATI MOHITE DERE, J.