

VRJ

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

WRIT PETITION NO.1075 OF 2023

Suresh Chhotelal Sharma ... Petitioner
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Aditya Rai with Mr. Nitin Rai & Mr. Mayur Sosa
i/by Mr. Ramdhandra Rane for the petitioner.

Mr. Yashpal Thakur with Mr. Mukund Pandya for the
respondent No.2.

Mr. Arfan Sait, APP for the respondent No.1/State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 31, 2023

P.C.:

1. The challenge in this petition is to the order passed by the Appellate Court at the stage of delivery of judgment of non-consideration of application under section 391 of the Code of Criminal Procedure, 1973.

2. Considering the scheme of section 391 is desirable that the Appellate Court should decide the application under section 391 before delivery of judgment in Appeal No.619 of 2017. It is made clear that it is not necessary for the Appellate Court to postpone delivery of judgment after the decision on application under section 391.

3. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)