

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

**INTERIM APPLICATION NO. 1309 OF 2023
IN
CRIMINAL APPEAL NO. 1459 OF 2018**

Raghuvirsingh Bhawarsingh Rajput ...Applicant/Appellant
Versus
The State of Maharashtra and Anr. ...Respondents

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Mr. Dattatray Adarkar, Advocate for the Applicant/Appellant.

Ms. Pallavi N. Dabholkar, APP for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 11th JULY, 2023**

PER COURT:

1. This is an application for restoration of Criminal Appeal No.1459 of 2018. The applicant is convicted for offence under Section 376 of IPC and sentenced to suffer imprisonment of seven years. The applicant had preferred Criminal Appeal No.1459 of 2018 before this Court which was admitted vide order dated 12.12.2018 and sentence of imprisonment was suspended by order dated 19.12.2018. Spare copy was not supplied by applicant for issuing notice to the compensation party. This Court passed a conditional order on 10.12.2021 that, if the spare copy is not supplied within one week, the appeal shall stand dismissed without reference to the Court. It is submitted that the Advocate

representing Appellant could not appear in the Court on 10.12.2021. The applicant was suffering from mental illness and he was undergoing the treatment for the same and kept at Miracle Foundation, Virar. He could not pursue the matter.

2. Considering the explanation given in the application, Criminal Appeal No.1459 of 2018 is restored along with order suspending the sentence of imprisonment. Interim Application No.1309 of 2023 stands disposed off.

(PRAKASH D. NAIK, J.)