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

**INTERIM APPLICATION NO. 2426 OF 2022
IN
CRIMINAL APPEAL NO. 711 OF 2019**

Sandesh Ramchandra Nage

...Applicant

Versus

Central Bureau of Investigation, STF
Mumbai and another

...Respondents

Mr. Aniket Vagal for the applicant
Mr. Amit Munde, Special PP for CBI
Ms. S. S. Kaushik, APP for the State

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

DATE : 19th JUNE 2023

P.C. :

1. The application is filed by original accused no. 4, seeking suspension of his sentence and enlargement on bail pending the hearing and final disposal of his appeal.

2. On 8th June 2023, the aforesaid Interim Application was heard by us and we orally allowed the application. However, before

transcribing the order, we noted that this Interim Application was the third application filed by the applicant. The said orders though annexed to the application, were not brought to our notice by either of the parties. By an order dated 28th January 2020, Criminal Application No. 765 of 2019 filed for similar relief, was dismissed by this Court (Coram: B. P. Dharmadhikari, N. R. Borkar, JJ.). By an order dated 13th April 2022, Interim Application No. 1137 of 2022 filed for similar relief was dismissed as withdrawn by this Court (Coram: S.S. Shinde, Sarang V. Kotwal, JJ.)

3. Having perused the aforesaid orders, the Interim Application No. 2426 of 2022 was listed for directions today. Since the earlier application seeking similar relief was dismissed on merits on 28th January 2020, judicial propriety requires that the present application also be heard by the same bench. Since B. P. Dharmadhikari, J has retired, present application may be heard by a bench of which N. R. Borkar, J is a member.

4. Hence, we recall our order, allowing the interim application. Applicant is at liberty to take appropriate steps for placing the present application before the appropriate Bench. Registry to take steps accordingly.

GAURI GODSE, J.

REVATI MOHITE DERE, J.