

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**INTERIM APPLICATION NO. 4131 OF 2022**  
**IN**  
**CRIMINAL APPEAL NO. 307 OF 2008**

Habibbaig Mogalbaig Mirza .. Applicant  
Versus  
The State of Maharashtra .. Respondent  
...

Mr. Prashant Raul with Mayur G. Sanap for the orig. accused  
no.2  
Ms.Divya Parab i/b Rahimtulla Momin for the appellant.  
Mr.N.B. Patil, APP for the State.

**CORAM: BHARATI DANGRE, J.**  
**DATED : 31<sup>st</sup> MARCH 2023**

**P.C:-**

- 1 Leave to amend forthwith.
- 2 By the present application, the appellant no.2 sought his withdrawal from the present Criminal Appeal No.307/2008 and seek permission to file separate Appeal, since it was noticed that two distinct Advocates were appearing for the two appellants. A relief is sought that the Appeal on being filed, shall be tagged along with Criminal Appeal No.307/2008.
- 3 In the wake of the aforesaid request, since the two appellants with distinct counsel could not have argued the same

Appeal and since it was thought in the interest of the appellant no.2 that the Appeal be filed separately, I deem it appropriate to grant the application in terms of prayer clause (a).

**( SMT. BHARATI DANGRE, J.)**