

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...
CRIMINAL APPLICATION (APPA) NO. 453/2023

&

CRI.APPA NO.238/2023

IN

CRIMINAL APPEAL NO. 131/2023

Bhairav s/o Waman Dahake

.. Applicant

versus

The State of Maharashtra

Th: PSO PS Bhiwapur Dist. Nagpur.

.. Respondent/s

.....
Mr. S.D.Umredkar, Adv.for the applicant

Mr. M.J.Khan, APP for Respondent

.....

CORAM: ANIL L. PANSARE, J.

DATED : 17th April, 2023.

PC:

This is an application for speaking to the minutes.

2. On 8th March 2023 the following order was passed :

“CRIMINAL APPEAL NO. 131/2023

The victim is present in Court and prays for legal aid, however, the victim is not made party-Respondent to the Appeal.

2. The appellant is directed to add the victim as party Respondent No.2 to the Appeal.

3. Amendment in cause title of the appeal be carried out within a period of one week from today and amended copy of the Appeal be supplied to the other side.

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After carrying out amendment, issue notice to the Respondents, returnable on 27th March, 2023.

2. Mr Khan learned APP waives service of notice on behalf of Respondent/State.”

3. The learned counsel for the appellant/applicant submits that in the present case, the appeal has been filed against the judgment and order dated 25/05/2022 passed by learned Additional Sessions Judge, Nagpur in Sessions Case No.36/2019 by which the applicant has been convicted for offence punishable u/s section 304 part-II of the IPC and that therefore there is no question of victim being made as party respondent no.2. He further submits that the victim had, in fact, appeared in B.A. No. 131/2023 and that the above order was passed in the said Application.

4. It appears that because of similar registration numbers there occurred a mistake which is not intentional. As such, the order dated 8th March 2023 in Criminal Appeal No.131/2023 requires correction. Learned Counsel submitted that he sought an adjournment on that day, and the same was granted. Hence the order in Appeal No. 131/2023 be deleted and be read as "At the request of learned counsel for the appellant, stand over to 27th March, 2023". The corrections be made forthwith and corrected order be uploaded today itself.

The Criminal Application is disposed of in above terms.

CRI.APPA. No. 238/2023

At the request of learned counsel for the applicant put up the application for suspension of sentence bearing No.238/2023 after summer vacation, 2023.

[ANIL L. PANSARE, J.]

sahare