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CRI APPLN 70 OF 2024

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**912 CRIMINAL APPLICATION NO. 70 OF 2024
IN APPEAL/787/2004**

KIRAN MADHUKARRAO BHAVSAR

VERSUS

THE STATE OF MAHARASHTRA

...

WITH

CRIMINAL APPEAL NO. 787 OF 2004

WITH

CRIMINAL APPEAL NO. 840 OF 2004

...

Advocate for Applicant in Criminal Application No.70/2024 :

Mr.Onkar R.Waghule h/f. Mr. V.D.Sapkal, Senior Counsel

Advocate for Appellant in Criminal Appeal No.787/2004 :

Mr.M.A.Tandale

Advocate for Appellant in Criminal Appeal No.840/2004 :

Ms.Manisha Dalave h/f. M/s.Talekar and Associates

APP for Respondent State : Mr.S.M.Ganachari

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 09 FEBRUARY, 2024

PER COURT :-

1. Mr.Waghule, learned Advocate holding for Mr.VD.Sapkal, Senior Counsel for the applicant in Criminal Application No.70 of 2024 seeking early hearing of Criminal Appeal No.787 of 2004, submits that they have already communicated applicant - accused no.1 that Mr.VD.Sapkal, Senior Counsel is not going to appear and conduct the matter. He seeks discharge of appearance.

Accordingly, appearance of Mr.V.D.Sapkal, Senior Counsel stands discharged.

2. Mr.M.A.Tandale, learned Advocate, who is now appearing for appellant – accused no.1 in Criminal Appeal No.787 of 2004 is praying early hearing of the matter on the grounds that there is no source of income to the family after conviction of accused no.1, matter is old and in view of decision of Hon'ble Supreme Court in *Abdul Rehman Antulay v. R.S.Nayak*, 1992 AIR SCW 1872, matter is required to be taken up for early hearing.

3. Learned APP opposed by saying that the matter is of 2004 and currently matters of 2002 are being taken up for hearing.

4. List the appeals for hearing on 12-03-2024.

5. Criminal Application No.70 of 2024, which was at the instance of Mr.V.D.Sapkal, Senior Counsel, stands disposed of.

(ABHAY S. WAGHWASE)
JUDGE