



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 435 OF 2024
IN
CRIMINAL APPEAL NO. 397 OF 2014

Vishwanath s/o. Prabhu Pitale,
Died. Through his legal heir,
Smt. Mangalbai wd/o. Vishwanath Pitale,
Age : 42 years, Occu. : Household,
R/o. Gawali Galli, Malwati Road, Latur,
Tq. & Dist. Latur.

... Applicant.

Versus

The State of Maharashtra

... Respondent.

...
Mr. M. D. Gitte, Advocate for Applicant.
Mr. S. M. Ganachari, APP for Respondent - State.
...

CORAM : ABHAY S. WAGHWASE, J.
DATED : 13th MARCH, 2024

ORDER :

1. Here is an application praying for early and final hearing of Criminal Appeal No. 397 of 2014.

2. Learned counsel for applicant submitted that, original accused Vishwanath has expired. He had faced prosecution and trial in Sessions Case No. 82 of 2012 and was held guilty for offence punishable under sections 304, 337 and 338 of Indian Penal Code (IPC) and under sections 177, 184 and 185 of Motor Vehicles Act

by judgment and order dated 01.07.2014. Against the said judgment, appeal has been preferred before this court bearing Criminal Appeal No. 397 of 2014 and the same is admitted and pending herein. It is further submitted that, deceased Vishwanath was husband of present applicant. She had filed application for compassionate appointment on demise of Vishwanath on account of his removal upon conviction. That, applicant is widow and facing hardships both financial as well as for employment and so prayers for early hearing and fixing the matter.

3. Learned APP pointed out that, this court is taking up matters year-wise. It is pointed out that, currently matters of the year 2004, 2005 and 2006 are under consideration for hearing. Present appeal is of 2014, and therefore, it is not just and proper to take up out of turn, when no special case has been made out for early hearing.

4. After considering the submissions of both sides, there is no dispute that, on account of conviction in Sessions Case No. 82 of 2012 dated 01.07.2014, appeal has been preferred and is numbered as Criminal Appeal No. 397 of 2014. Original accused Vishwanath is reported to be dead. Present application is by wife and ground for early hearing put-forth is that, her application for

compassionate appointment is not considered due to pending decision of the appeal.

5. Admittedly, this court is currently dealing with final hearing matters of the year 2003, 2004 and 2005 i.e. by year-wise sequence as are listed. No doubt, when special and exceptional case for out of turn is made out, this court has also decided to take up the matters out of turn i.e. by breaking queue, however only on special case being made out.

6. As stated above, ground for early hearing put-forth does not seem to be an exceptional one so as to take the matter out of turn.

Therefore, Criminal Application for early hearing is dismissed for want of merits.

(ABHAY S. WAGHWASE, J.)