



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

**CRIMINAL APPEAL NO.170 OF 2023 WITH
CRIMINAL APPLICATION NO.594 OF 2023**

Sk. Akhtar Sk. Gafur

... **APPELLANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. Satej S. Jadhav, Advocate for appellant
Mrs. S.N. Deshmukh, A.P.P. for respondent
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 6th MAY, 2024

ORDER :

Heard. This is an appeal against conviction, recorded by learned Additional Sessions Judge, Jalgaon in Sessions Case No.204/1993, vide judgment and order dated 30/6/1998, convicting the appellant for the offence punishable under Section 302 read with Section 149 of the Indian Penal Code and sentenced to suffer imprisonment for life and to pay

fine of Rs.500/-, in default to undergo R.I. for three months. The appellant is also convicted for the offences punishable under Sections 147, 148, 326 read with Section 149 of the Indian Penal Code and sentences to different terms of sentences. All the sentences have been directed to run concurrently.

2. Since the Sessions Case is of the year 1993, this Court, by the order dated 3/5/2024, had called the report from the concerned Jail in respect of actual period the appellant is behind the bars.

3. Today the learned A.P.P. has furnished the copy of report under the signature of Superintendent, Nasik Road Central Jail. As per the said report, the appeal of the appellant against the judgment and order which is impugned in the case in hand, was heard and dismissed by this Court. Our attention is drawn to the record of the Appeal No.205/1998, which shows that, vide judgment and order dated 12/7/2005, the appeal came to be dismissed. The record further show that, the appellant had challenged the said judgment dismissing the Appeal, before the Hon'ble Supreme Court of India and

Hon'ble Supreme Court of India has dismissed his Appeal by order dated 18/10/2005. In this view of the matter, the appeal stands disposed of as not maintainable.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-