



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

CRIMINAL APPLICATION NO.3393 OF 2023 IN
CRIMINAL APPLICATION NO.3170 OF 2021 IN
CRIMINAL APPEAL NO.458 OF 2021

Bhausahab s/o Babulal Lonari ... **APPLICANT**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Mr. A.N. Nagargoje, Advocate for applicant
Mr. S.D. Ghayal, A.P.P. for respondent No.1
Mr. S.S. Panale, Advocate for respondents No.2 and 3
.....

CORAM : R.G. AVACHAT, J.

DATE : 19th JANUARY, 2024

ORDER :

Heard. This Court, after hearing the State and the applicants/ respondents, has granted suspension of sentence and consequently released the respondent Jagannath on bail vide order dated 27/6/2023. The said order is sought to be recalled on the ground that the said order was passed in Criminal Appeal No.458/2021. Thereafter, this respondent/ applicant therein moved an application for separation of his appeal. The said application has been allowed. The learned counsel for the applicant meant to say that the order granting suspension of sentence was passed in

the application wherein the respondent herein is no longer applicant and, therefore, the order granting suspension needs to be recalled. This Court is not in agreement with the learned counsel for the applicant. On the ground of such technicalities. The respondent has been granted relief in his substantive appeal which has been permitted to be separated. Needless to mention, the applicant appeared therein and was extensively heard and then this Court granted the respondent relief. There is also question of locus-standi of this applicant to move the present application. All in all, this Court is not inclined to allow this application since the respondent/ appellant has been granted the relief after appreciating the matter on its own merits. The application therefore, stands disposed of.

(R.G. AVACHAT, J.)

fmp/-