

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 790 OF 2024

Rajendra Laxman Mudliyar

..Appellant

Versus

State of Maharashtra

..Respondent

Mr. Yogendra M. Koli a/w. Praful Valvi i/b. Sana Abdul Mubeen for Appellant.

Mr. Vinit A. Kulkarni, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 1 AUGUST 2024

PC :

1. This Appeal arises out of the Judgment and order passed by the Additional Sessions Judge, Greater Bombay, in Sessions Case No.488 of 2016. The Appellant was convicted for commission of offence punishable U/s.370(1) of the I.P.C. and was sentenced to suffer R.I. for 7 years and to pay a fine of Rs.3000/- and in default to suffer S.I. for one month. There was one more accused in this case i.e. Rabiya Kalil Shaikh. She had challenged the same impugned Judgment and order separately vide Criminal Appeal No.1458 of 2018. The said Appeal was decided along with the Criminal Appeal No.520 of 2018 preferred by the State of

Maharashtra against both the accused for enhancement of the sentence. Both these Appeals were decided and disposed of vide the order dated 26.09.2022. In Clause-3 of the said Judgment and order dated 26.09.2022 passed in Criminal Appeal No.1458 of 2018, it was observed that the present Appellant-accused No.2 Rajendra Mudliyar had not preferred any Appeal challenging his conviction, as both the accused were similarly placed and, since, it was held that the offence under Section 370 of the I.P.C. was not made out and the conviction and sentence recorded against the present appellant-accused No.2 was also set aside.

2. When both these Appeals were decided, it was not brought to the notice of the Court that the present Appeal was preferred by the Accused No.2 Rajendra Mudliyar and it was pending.

3. Now, the Registry has placed this Appeal before the Court. There is a remark that, while scrutinizing the Appeals, it was found that the present Criminal Appeal No.790 of 2024 (Criminal Appeal (Stamp) No.3126 of 2020) had remained to be

tagged with the aforementioned connected Appeals. The remark further shows that, since the conviction and sentence recorded against the Accused no.2 i.e. the present Appellant Rajendra Mudliyar was set aside, the present Appeal has become infructuous.

4. Considering this situation, the office remark and the Judgment and order dated 26.09.2022 passed in Criminal Appeal No.1458 of 2018, this present Appeal No.790 of 2024 has become infructuous and it is disposed of as having rendered infructuous.

(SARANG V. KOTWAL, J.)