

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

CRIMINAL APPEAL NO.648 OF 2024

Surendra @ Ajay Rajaram Nishad Appellant

versus

The State of Maharashtra & Anr. Respondents

.....

- Ms. Rashmi R. Bhandarkar a/w Rajendra P. Tajane, Advocate for Appellant.
- Mr. Vithal B. Konde-Deshmukh, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 03rd JULY, 2024**

P.C. :

1. Admit.
2. Call record and proceedings with paperbooks urgently.
3. Learned counsel for the Applicant submitted that the trial is conducted by an inexperienced Advocate. The accused had made an application to change his Advocate. Even his mother had complained to Bar Council that the Advocate had threatened that if his full fees was not paid, he would seek

capital punishment for him. She submitted that important contradictions and omissions from the previous statement of the victim were not brought on record. Two contrary birth certificates were casually admitted. This has caused failure of justice. The Appellant is a 20 year old boy. The sentence imposed on him is 20 years. Therefore, it is necessary that the trial is conducted de novo.

4. Considering these submissions, it is necessary to consider whether the submissions are correct based on the record of the case. Therefore, for further consideration, the matter be listed on 24/07/2024, to be placed on admission board.

5. Record and proceedings be called urgently.

(SARANG V. KOTWAL, J.)