



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.842 OF 2024

Raju Shantaram Koli

.....Petitioner

Vs.

The State of Maharashtra

.....Respondent

Ms. Vrushali Maindad, Appointed Advocate, for the Petitioner.

Mr. V. B. Konde Deshmukh, Add. P. P., for the Respondent-State.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 13th JANUARY 2025.

P.C.:-

1. Heard learned counsel for the parties.
2. By this Petition, the Petitioner essentially prays that the sentences, i.e., imprisonment for life awarded to him in Session Case No.282 of 2010 for both the offences punishable under Sections 302 and 376 of the Indian Penal Code, be directed to run concurrently.
3. Perused the papers.
4. The Petitioner vide judgment and order dated 27th September 2013 was convicted and sentenced by the learned Additional Sessions Judge, Thane in Sessions Case No.282 of 2010 for

the offence punishable under Sections 302, to suffer imprisonment for life and to pay fine of Rs.5,000/-, in default to suffer simple imprisonment for five months. For the offence punishable under Sections 376 of the Indian Penal Code, the Petitioner was sentenced to suffer imprisonment for life and to pay fine of Rs.5,000/-, in default to suffer simple imprisonment for five months on both counts.

5. In paragraph No.3 of the operative part of the said judgment and order dated 27th September 2013, the trial Court has directed that the aforesaid sentences run consecutively, one after the other and not concurrently.

6. The aforesaid judgment and order of conviction and sentence was challenged by the Petitioner by way of Criminal Appeal No.975 of 2023 in this Court. This Court vide order dated 10th June 2016 confirmed the judgment of conviction and sentence awarded to the Appellant including the direction to serve the consecutive sentence for the said offences.

7. Learned counsel for the Petitioner appointed by the Legal Services Authority fairly states that this Court cannot review the judgment and order dated 10th June 2016 passed by this Court. She

submits that the only remedy available to the Petitioner is now to challenge his sentence before the Apex Court.

8. Learned APP also raises a similar objection. There is merit in the objection raised by the learned APP.

9. Considering the aforesaid, there being no merit in this Petition, the Petition stands dismissed.

10. Needless to state that it is open for the Petitioner to challenge the sentence before the appropriate Court, as may be maintainable in law.

11. The Petition is disposed of on the aforesaid terms.

(DR. NEELA GOKHALE, J.) (REVATI MOHITE DERE, J.)