

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

CRIMINAL WRIT PETITION NO. 4573 OF 2025

Brahmanand Pandey

...Petitioner

Vs.

The State of Maharashtra and Anr.

...Respondents

Adv. Sneha Pandey a/w Adv. Sukrut Mhatre	Advocate for the Petitioner
APP Hitendra J. Dedhia	APP for the Respondent-State
Diwakar Dwivedi	Advocate for the Respondent No. 2

CORAM : S. M. MODAK, J.

DATE : 02nd SEPTEMBER 2025

P. C. :-

1. Respondent No. 2 intends to appear on his own. Learned Advocate may file Vakalatnama in the office earlier to the next date. According to the Petitioner, he could not be served as envelope returned back.

2. Let the Respondent No. 2 to furnish the fresh address to the Petitioner and also to file that new address before the trial Court. Let

the copy of the petition be served on learned Advocate for the Respondent No. 2.

3. At this stage, learned Advocate for the Petitioner submitted that a short prayer is made in this petition and it is for giving direction to the Appellate Court to dispose of the appeal as early as possible. My attention is invited to memo of the Appeal on page no. 64. The appeal is pending since 2021 filed by the Respondent No. 2-Madhukant Pandey. This is against conviction passed by the Court of Metropolitan Magistrate on 13.10.2021. Alongwith Respondent No. 2-Madhukant Pandey, one Shrikant Pandey is convicted. The sentence is one year and compensation of Rs. 8 Lakhs. Out of that 20% is deposited by this Respondent.

4. My attention is invited to certain roznamas which are annexed from page no. 126 to page no. 145. It seems that advocate for the Appellant therein has sought for adjournment and even the Appellate Court on certain occasions has given a last chance. Learned Advocate for the Respondent- Madhukant Pandey submitted that earlier different advocate was representing him, but now he is going to file Vakalatnama before the appellate Court and he assures that he will

argue the appeal on the date fixed on 19.09.2025. With this statement, the Writ Petition can be disposed of.

5. Hence, the Appellate Court is directed to dispose of the appeal as early as possible after hearing learned Advocate for the Appellant therein and learned Advocate for Respondent-Complainant. It is expected that the appeal will be argued on behalf of the Appellant. It is made clear that the Appellate Court can use its discretion, if dilatory tactics are played on behalf of the Appellant therein. It includes the power to impose exemplary cost and even power to go on with the matter, if Court finds that Appellant therein is not proceeding with the arguments.

6. With these observations, the Writ Petition is disposed of.

[S. M. MODAK, J.]