

Prasad Rajput
(P.A.)

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

CRIMINAL REVISION APPLICATION NO. 126 OF 2013

Shankar Sitaram Gopale .. Applicant
Versus
The State of Maharashtra and Anr. .. Respondents

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- None for Applicant.
 - Ms. Manisha R. Tidke, APP for Respondent-State.

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CORAM : MILIND N. JADHAV, J.
DATE : DECEMBER 09, 2024

P.C.:

- 1.** Heard Ms. Tidke, for the State.
- 2.** A detailed order was passed on 7th October, 2023 delineating the facts in the present case as also the deposits made by the Revision Applicant. The Revision Applicant has served a part of the sentence but has been enlarged on bail by this Court until the decision in the present Revision Application. The Revision Applicant cannot take advantage and not remain present for hearing.
- 3.** Initially, two Advocates were representing the Revision Applicant but the said Advocates have informed this Court that they have taken discharge and given their No Objection to another Advocate. I have delineated all the details in my previous order dated 11th November, 2024. Today, when the matter is called out for final hearing, none is appearing on behalf of the Applicant. The Advocate

who now represents the Applicant is also not present. This Court cannot function in this manner. The present Revision Application cannot be dismissed for default or non-prosecution by this Court in view of the following decisions of the Supreme Court:

- (i) **Madan Lal Kapoor Vs. Rajiv Thapar and Ors.**¹ ;
- (ii) **Santosh Vs. State of Uttar Pradesh**² ;
- (iii) **Parveen Vs. State of Haryana**³ ; and
- (iv) **Taj Mohammad Vs. State of Uttar Pradesh and Anr.**⁴

4. In view of the conviction of the Applicant, the Application will have to be decided on merits. Since there is no representation on behalf of the Revision Applicant, I am inclined to appoint Mr. Shashikant Chaudhari, learned Advocate and Counsel practicing in this Court (Mobile No.9870004733) to represent and espouse the cause of the Applicant through the Legal Aid.

5. The High Court Legal Services Committee of this Court is hereby directed to appoint Mr. Shashikant Chaudhari, learned Advocate and Counsel practicing in this Court (Mobile No. 9870004733) to represent and espouse the cause of the Applicant through the Legal Aid and give his appointment letter to that effect.

6. Registry is directed to provide copy of the present Application to appointed Advocate Mr. Shashikant Chaudhari within a

1 (2007) 7 SCC 623.

2 (2009) 16 SCC 400.

3 (2021) 12 SCC 140.

4 Cri. Appeal arising out of SLP (Cri.) No. 5298 of 2023.

period of one week from today.

7. The appointed Advocate on behalf of the Applicant is directed to peruse the papers and be ready to address the Court on the next adjourned date.

8. Stand over to **7th January, 2025.**

P.R. Rajput

[MILIND N. JADHAV, J.]