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Cri. Appln Nos. 4749 & 4752 of 2013

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 4749 of 2013

(In Criminal Writ Petition No. 159 of 2006)

With

Criminal Application No. 4752 of 2013

(In Criminal Writ Petition No. 159 of 2006)

M.M. Kothari,
Age : 87 years,
Occupation : Business,
Director of Kothari Products Ltd.,
24/19, The Mall, Kanpur [U.P.]
& 2 others.

.. Applicants.

versus

The State of Maharashtra
& another.

.. Respondents.

.....

Mr. D.S. Bharuka, Advocate, for the applicants.

*Mr. U.S. Mote, Additional Public Prosecutor, for
respondent nos.1 and 2.*

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CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 15TH APRIL 2015

PER COURT :

1. Heard Adv. Mr. D.S. Bharuka for the applicants and learned APP
Mr. U.S. Mote for respondent nos.1 and 2.

2. By Criminal Application No. 4752 of 2013, the applicants seek to condone the delay of 192 days caused in filing Criminal Application No. 4749 of 2013. By Criminal Application No. 4749 of 2013, the applicants seek restoration of Criminal Writ Petition No. 159 of 2006, which came to be dismissed for want of prosecution vide order dated 6th February 2013.

3. For the reasons assigned in paragraphs 5, 6 and 7 of Criminal Application No. 4752 of 2013, the delay of 192 days deserves to be condoned in the interest of justice, however, subject to payment of costs of Rs. 500/-.

4. Hence, Criminal Application No. 4752 of 2013 is allowed in terms of prayer clause “B”. The delay is condoned, however, subject to payment of costs of Rs. 500/- [Rupees five hundred], to be deposited by the applicants collectively, in this Court, within a period of four weeks from today. The amount so deposited shall be transmitted in favour of the State.

5. Criminal Application No. 4749 of 2013 is also allowed in terms of prayer clause “B”. The order dated 6-2-2013 is recalled. Criminal Writ Petition No. 159 of 2006 is restored to its original position.

6. Both Applications are accordingly disposed of.

(SMT. SADHANA S. JADHAV)
JUDGE

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