

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.59 OF 2015

Babanrao Rambhau Borhade .. Applicant
Versus
Chandrabhaga Babanrao
Borhade and anr .. Respondents

Mr.Saurabh Oka, Advocate for the applicant.

Mr.Vilas B. Tapkir, Advocate for the respondent no.1.

Mr.Deepak Thakre, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 7th AUGUST, 2015

P.C. :

1 Heard Mr.Saurabh Oka, learned counsel for the petitioner. Heard Mr.V.B. Tapkir, learned counsel for the respondent no.1.

2 It is a fact that though the Revision Application came to be decided after going through the record, none of the parties or their counsel were heard in the matter. The learned counsel for the petitioner submitted that a similar situation was considered by the Supreme Court of India in the case of *Vishnu Agarwal Vs. State of Uttar Pradesh*¹, and in that case, Their Lordships of the Supreme Court of India upheld the order of the High Court recalling an order passed in Revision without hearing the parties.

¹ (2011)14 SCC 813

3 In the peculiar facts of the case, I am inclined to allow
the application.

4 Application is allowed.

5 The order dated 20th November 2014 passed by this
Court, is recalled.

6 Revision Application shall be heard afresh.

7 Revision Application be listed for final hearing on 1st
September 2015.

8 Criminal Application No.59 of 2015 is disposed of
accordingly.

(ABHAY M.THIPSAY, J)