

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

CRIMINAL WRIT PETITION NO. 934 OF 2012
WITH
CRIMINAL WRIT PETITION NO. 935 OF 2012

Shishir Prabhakar Dharkar

..Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Manish Bohra i/b. A.S.Khan & Associates for the Petitioner.
Mr.Manoj Mohite with Reshma Kurle for the Respondent No.2.
Mr.J.H.Ramugade, APP for the State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : SEPTEMBER 03, 2015.**

P.C.

1. Heard. WP/935/2012 is admitted on 3.2.2015. By consent of parties WP 934/2012 is taken up for final hearing at the stage of admission.
2. The petitioner herein was accused no.2 in C.C.No. 378/SS/2010 and in C.C.No. 576/SS/2010 pending on the file of the learned Metropolitan Magistrate's 23rd Court, Esplanade, Mumbai, filed under Section 138 of the Negotiable Instruments Act. The

petitioner had challenged the order of issuance of process before the Sessions Court by filing Criminal revision applications alongwith Cri. Misc. Application No.2229 of 2011 and Cri. Misc. Application No.2230 of 2011 for condonation of delay.

3. The learned Sessions Judge, Gr. Bombay at Mumbai dismissed the application for condonation of delay. Being aggrieved by the said order, the petitioner has preferred these petitions. In the course of arguments, learned Counsel for the respondent has submitted that he has no objection if prayer clause (b) of the petition is allowed and delay is condoned, and the matter is remanded back to the sessions court for deciding the revision application on merits.

4. Under the circumstances, and with consent of the parties prayer clause (b) in both the writ petitions are allowed. The impugned order dated 6.2.2011 in Misc. Criminal Application No.2229/2012 and Misc. Cri. Appln. No. 2230 of 2011 are set aside. The delay stands condoned. The matter is remanded back to the Sessions Court for deciding the revision applications on merit.

5. The petitioner shall pay to the respondent no.2 cost of Rs.10000/- in each of the petition.

6. Both the parties are directed to appear before the Principal Sessions Judge, Sessions Court, Gr. Bombay at Mumbai on 28.9.2015 at 11.00 a.m. The Interim order shall continue till 28.9.2015.

(ANUJA PRABHUDESSAI, J.)