

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

CRIMINAL APPLICATION NO.785 OF 2014

M/s.Mechetrical Works & Others ..Applicants
V/s.
Smt.Veena Elesh Magdani & Anr. .. Respondents

None present for applicant-appellant.
Mrs.Anamika Malhotra, APP for respondent-State.
Mr.Umesh S. Iyer i/by Mr.Ameeta Kuttikrishanan and Ms.S.D. Khot,
for respondent No.1

**CORAM : A. R. JOSHI, J.
DATE : 7TH JULY, 2015.**

P.C.

1. Heard.

2. None present for the applicants. The learned
counsel for the respondent present.

3. Present application is for restoration of the earlier
application no.1780 of 2012 preferred by the original accused
persons. Criminal complaint lodged was by the original
complainant Smt.Veena Magdani for taking action against
original accused nos.1 to 5 for offences punishable under
section 138 of Negotiable Instruments Act. Said complaint was

dismissed by 21st Court, Bandra, Bombay being C.C. No.167/SS of 2006 vide order dated 14th October, 2010 and original accused no.1 to 5 i.e. present applicants were acquitted.

4. After the above present respondent original complainant preferred appeal along with application for leave challenging the acquittal of original accused persons. Vide order dated 29th March 2012 this Court (Coram:A.P. Lavande,J.) allowed the application for leave and also admitted the appeal and directed that action under section 390 of Criminal Procedure Code to be taken against then respondent nos.2 to 4 who are the original accused persons and who are the present applicants. It was further directed that said acquitted persons be released on PR bond in sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the learned Metropolitan Magistrate.

5. After the above, the application was preferred before this court being application no.1780 of 2012 but it was dismissed by this court (Coram: Mrs. Mridula Bhatkar,J.) vide

order dated 1st April 2014.

6. In fact the present situation is that the present applicants-original acquitted accused nos.1 to 5 are to be dealt with in accordance with provisions of section 390 of Criminal Procedure Code. As such the said steps shall be initiated and completed by the Trial Court which had acquitted them earlier in the case no.167/SS of 2006 and report accordingly to this court.

7. In view of this direction the present application which is purported to have been taken for restoration of application no.1780 of 2012 is disposed of.

(A. R. JOSHI, J)