

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2886 OF 2012
WITH
WRIT PETITION NO.2889 OF 2012
WITH
WRIT PETITION NO.2888 OF 2012
WITH
WRIT PETITION NO.2887 OF 2012

M/s.Janata Sales Agency a
Proprietary firm through its
Authorised Representative
Mr.Ritesh Popatlal Chheda

.. Petitioners

-Versus-

M/s.Viva Fabrics (Proprietary firm)
and Ors.

.. Respondents

Ms.Solanki i/b. H.H.Nagi & Associates for Petitioners
Mr.D.R.More, APP for State.

CORAM : M.L.TAHILIYANI, J.

DATE : 12th January 2015.

P.C.

1] Heard learned Counsel for petitioners and the learned
APP for State- respondent No.1. None appears for respondent Nos.
1 and 2. The petitioners have filed four revision applications bearing

Nos. 167, 168, 169 and 170 of 2011 in the court of sessions, Mumbai against the judgement and orders passed by the Metropolitan Magistrate in Criminal Case No.10481/SS/2005, 10482/SS/2005, 10483/SS/2005 and 10484/SS/2005.

2] The petitioners were not satisfied with the sentence imposed on the respondent Nos. 1 and 2 by the Magistrate and hence the aforesaid revision applications were filed. It appears that the revision applications were dismissed for want of prosecution. It is submitted by the learned Counsel for the petitioner that the Advocate for petitioners was not aware of the date in the sessions court and, therefore, he could not remain present. He came to know about the dismissal of the revision application on a later date.

3] In fact, I would have directed the petitioner to move the same court for restoration of revision applications as they had been dismissed before admission. However, since, almost two years have passed from the date of filing of the present petitions and since the petitioner is genuinely concerned to contest the final order of the learned Magistrate, I order as follows:-

(a) Criminal Revision Application Nos.167, 168, 169 and 170 of 2011 shall be restored to the file of the Sessions court, Mumbai and shall be decided on merits and in accordance with law;

(b) Petitions stand disposed of accordingly.

(M.L.TAHILIYANI, J.)