

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.424 OF 2015
IN
CRIMINAL REVISION APPLICATION NO.369 OF 2015
WITH
CRIMINAL APPLICATION NO.425 OF 2015
IN
CRIMINAL REVISION APPLICATION NO.370 OF 2015**

M/s. Thandiram Textiles Pvt. Ltd. & Ors.

...Applicants

Versus

The State of Maharashtra & Anr.

...Respondents

.....

Mr. Hrishikesh Mundargi with Mr. Subir Sarkar for the Applicants.
Mr. Abad Ponda with Smt. Prairna A. Thakker for Rspdt. No.2.
Mr. J.H. Ramugade, APP for Rspdt. No.1-State in Appr/424/2015.
Ms R.V. Newton, APP for Rspdt. No.1-State in Appr/425/2015.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 26th OCTOBER, 2015.

P. C. :

At the outset the learned counsel for the Applicants seeks leave to amend the prayer clause. Leave is granted.

2. By this application the Applicants herein have sought relief to permit them to deposit an amount of Rs.5 lakhs towards total deposit out of the amount of Rs.15,00,000/- as per order dated 7th August, 2015.

3. Heard the learned counsel for the Applicants and the learned counsel for the Respondent No.2. Perusal of the order dated 7th August, 2015 reveals that the Applicants No.2, 3 and 4 undertook on behalf of Respondent No.1 to deposit the sum of Rs.15,00,000/- in the Trial Court on or before 27th August, 2015 and in view of the said statement substantive sentence was suspended till 28th August, 2015. The Applicants subsequently sought extension of time to deposit the said amount and by order dated 27th August, 2015 the time stipulated to deposit the sum of Rs.15,00,000/- vide order dated 7th August, 2015 was extended by three weeks and it was made clear that no further extension would be granted. Substantive sentence imposed on the Applicants was suspended till the next date of hearing. The Applicants had not deposited the amount even on this extended time stipulated by order dated 27th August, 2015. The Applicants also did not remain present on the next date of hearing i.e. 21st September, 2015 and the three weeks time granted vide order dated 27th August 2015 has expired on 17th September, 2015. Interim relief was not extended further.

4. As on the date of the order no interim relief was operating in favour of the Applicants. Mr. Ponda, the learned counsel for the

Respondent No.2 has submitted that the Applicants herein had challenged the order dated 7th August, 2015 before the Hon'ble Apex Court and the said Special Leave to Appeal (crl) Nos.8615-8616/2015 had been dismissed vide order dated 16th October, 2015. He has placed on record copy of the order dated 16th October, 2015.

5. Since the appeal against the order dated 7th August, 2015 is dismissed by the Hon'ble Apex Court, this Court cannot modify the order dated 7th August, 2015. The applications have therefore, no merit and are hereby dismissed.

(ANUJA PRABHUDESSAI, J.)