

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

**CRI. WRIT PETITION NO. 4527 OF 2014
WITH
CRI. WRIT PETITION NO. 4528 OF 2014**

M/s. Nikita Udyog

... Petitioner.

V/s.

State of Maharashtra & Anr.

... Respondents.

Mr. Siddharth Murarka, Advocate for Petitioner.

Mrs. G.P. Mulekar, A.P.P. for the State.

Ms. Archana P. Gaikwad for Respondent No.2.

CORAM : M.L.TAHALIYANI,J.

DATE : 24th JUNE, 2015

P.C. :

1 These two writ petitions are filed by the petitioner, who is the original respondent in criminal appeal nos. 688 of 2014 and 689 of 2014 pending in the court of learned additional Sessions Judge, Sewree, Mumbai. The writ petitions impugn the orders of the learned Additional Sessions Judge, suspending sentence and granting bail to respondent no.2.

2 Since the orders of the learned Sessions Judge, directing condonation of delay in filing the appeals are set aside and since the learned additional Sessions Judge is directed to hear the applications afresh after giving opportunity

to the original complainant, it follows that the orders passed in both the appeals, directing suspension of sentence and grant of bail will have to be set aside.

3 Both the orders are set aside.

4 As already stated in the order passed in Criminal Writ Petition No. 4526 of 2014, the learned Additional Sessions Judge shall decide the application for condonation of delay after hearing the complainant. As far as suspension of sentence and grant of bail is concerned, no doubt it is the discretion of the Judge. At the same time, the learned Sessions Judge may consider as to whether the appellant can be asked to deposit part of the compensation amount as a condition for grant of bail and suspension of sentence.

5 Both the writ petitions stand disposed of in the above terms.

(JUDGE)

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