

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 1177 OF 2014

Stonemann Royale Ltd. & Anr. .. Applicants

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. A.M.M. Ponda i/b Thodur Law Associates, Advocate for
the applicants

Mr. V.B. Konde-Deshmukh, APP for the respondent-State.

Mr. Girish R. Agrawal, Advocate for the respondent No. 2.

CORAM:-M.L. TAHALIYANI,J.

DATED : -06/01/2015

P.C.

Admit. Respondents waive service. By consent of the
parties, the matter is heard finally.

2 Heard learned counsel for the parties.

3 Perused the impugned order. The impugned order
was passed in the absence of the applicants (accused Nos. 1
and 2) and respondent No. 2 complainant. It is admitted
position that neither the applicants and their lawyer nor the

respondent No. 2 and his lawyer were present when the order in question was passed. It is also admitted position that nobody was heard before passing order below Exhibits 91 and 92 in Criminal Case No. 2856/2012. Such an order cannot be sustained and needs to be set aside.

4 The impugned order passed below Exhibits 91 and 92 in Criminal Case No. 2856/2012 is set aside. The learned trial Magistrate is directed to hear the applicants and respondent No. 2 before passing any order below Exhibits 91 and 92 in Criminal Case No. 2856/12.

5 The application stands disposed of.

(JUDGE)

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