

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

**CRIMINAL APPLICATION NO.996 OF 2015
IN
CRIMINAL APPLICATION (ALP) NO.210 OF 2015**

S.D.Sethia & Co. Pvt. Ltd. & Anr. ..Applicants
V/s.
Nitin Desai & Ors. .. Respondents

Mr.K.H. Halai i/by Mr.Pinaz Contractor
for the applicant/appellant.
Mr.A.R.Patil APP for the Respondent-State.
Mr.Jehangir Minoo Khajotia for respondent nos.1 to 6.

CORAM : A. R. JOSHI, J.

DATE : 16th DECEMBER, 2015.

P.C.

1. Heard learned counsel for the applicant in this application which is preferred for restoration of the earlier dismissed application for review being Criminal Application No.764 of 2015. Said earlier review application was preferred by company by name S.D.Sethia and Company Pvt.Ltd. In fact the said company is an applicant in the present application for restoration. The earlier review application no.764 of 2015 was dismissed by this Court vide order dated 14th September 2015, by observing that on the day of the hearing nobody represented

the said applicant company and after going through the prayers of the present application the Court thought it fit that it was not the case of review of the order. The review was sought of the order dated 22nd July 2015 in Criminal Application No.210 of 2015. By the said order of 22nd July 2015 the complaint no.1978/SS/2003 was restored to the file of the concerned trial Court by setting aside the dismissal order.

2. Infact at the time of the hearing on the review application none remained present but Court discussed the merits and passed order rejecting the review application. Admittedly said order was passed on 14th September 2015 as such now there is nothing to re-agitate the matter and to restore the earlier dismissed review application. As such the present application is accordingly dismissed and disposed of.

3. Needless to mention that this Court has not expressed any opinion on the rights of the rival parties and as such all the contentions can always be taken during hearing of the pending case before the M.M.Court which was already

restored to the file vide order dated 22nd July 2015.

(A. R. JOSHI, J)