

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION NO. 51 OF 2016

Shri. Nirav Jayesh Rukhana & Ors.	...Applicants
<i>Versus</i>	
The State of Maharashtra & Ors.	...Respondents

Mr. Pradeep Rajput, i/b C.S. Jadhav, for the Applicants.

Mrs. M.M. Deshmukh, APP for the State.

CORAM : RANJIT MORE &
S.C. GUPTE, JJ.
DATE : 4th February 2016

P.C. :

1. The above Criminal Application is taken out for restoration of the Criminal Application No. 1281 of 2015.

2. By the Order dated 7th December 2015, we allowed the Criminal Application No. 1281 of 2015 and accordingly, proceedings of the subject Criminal Case were quashed and set aside by consent, subject to payment of costs of Rs. 25,000/- by the Applicant to “**Tata Memorial Hospital, Mumbai**”, within a period of four weeks from the date of the order.

3. However, the Applicants could not deposit the said amount within stipulated time and therefore, the Criminal Application No. 1281 of 2015 came to be dismissed.

4. The Applicants thereafter, deposited the amount of costs to the Tata Memorial Hospital, Mumbai on 15th January 2016 and has approached this Court for restoration of Criminal Application No. 1281 of 2015.

5. The Applicants have annexed the Receipt of Tata Memorial Cancer Hospital, Mumbai dated 15th January 2016 at Exh.B to the Application. It shows that the Applicants have deposited the said amount as per direction contained in the order dated 7th December 2015. There is a delay in depositing this amount. However, that delay has been sufficiently explained by making averments in the present Application. We find the explanation to be satisfactory.

6. In the above circumstances, we allow the above Application in terms of prayer clause (a). Hence, passing this order, Criminal Application No. 1281 of 2015, consequently, has been restored to file.

[S.C. GUPTE, J.]

[RANJIT MORE, J.]