

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

CRIMINAL APPLICATION NO. 140 OF 2016
IN
WRIT PETITION NO. 3075 OF 2011

Shri Rajanikant R. Salvi & ors. ... Petitioners

V/s.

The State of Maharashtra & anr. ... Respondents

Mr. Thorat i/b. Mr. R.D. Siroya for the applicant.
Mrs. S.D. Shinde, APP for the State.

**CORAM : NARESH H. PATIL AND
A.M. BADAR, JJ.**

18th April, 2016.

P.C.

Heard. Petitioners seek restoration of Criminal Writ Petition No. 3075/2011. By an order dated 14th August, 2012, the Division Bench of this Court (A.M. Khanwilkar and A.R. Joshi, JJ) dismissed the petition. The order reads as under:

“ The advocate for the petitioners is not present. Petitioner appears in person. He submits that the matter be taken up on Friday. The fact remains that the petitioners have not complied

with the commitment made to the Court on previous occasion on 2.7.2012, which was the principal reason for showing indulgence to the petitioners in granting interim protection.

2. The matter was fully heard on the previous occasion and the Court was in no way inclined to entertain the relief of quashing of the FIR in the fact situation of the present case. To show indulgence and to give one opportunity to the petitioners, hearing of this petition was deferred till today with clear understanding that the petitioners would pay the entire amount of Rs.70 lakhs on or before 13.8.2012. That has not been happened till date. The petitioners have no intention to pay the amount as the petitioner No.3 is giving explanation for his inability to pay the amount. No further indulgence can be shown. The petition is dismissed.

3. We place on record that the Police Officer Shri Satam (API) is present in the Court along with the original record to instruct the learned A.P.P.

4. We make it clear that interim protection given to the petitioners is vacated, forthwith."

2. The learned APP submits that chargesheet has already been filed in respect of the subject crime.

3. Learned Senior Counsel submits that the petitioner apprehends

that order passed by the Division Bench of this Court on 14th August, 2012 would come in the way of the petitioner in pressing discharge application which the petitioner is likely to file before the trial Court.

4. We have perused the order passed on 14th August, 2012 by Division Bench. The chargesheet is already filed. The petitioner may file discharge application, if advised and if permissible in law.

5. In the facts, we are not inclined to express any opinion on merits. No case is made out for grant of prayers as made in the application. Application is rejected.

(A.M. BADAR, J.)

(NARESH H. PATIL, J.)