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

**CRIMINAL APPLICATION NO.432 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 427 OF 2016
WITH
CRIMINAL APPLICATION NO.433 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 427 OF 2016**

Loknath Srinath Yadav

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr.Murtuza Nazmi i/b Mr.Akhilak Abbas Hadisun Khan, for the Applicant

Ms.P.P.Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 27th JULY, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.

2. Learned Counsel for the Applicant states that vide order dated 8th February, 2016, the learned Sessions Judge was pleased to dismiss the delay condonation application filed in the Appeal preferred by the applicant against the Judgment and Order of conviction and sentence awarded by the

Trial Court. He submitted that a perusal of the the Roznama in the said case will show that the applicant was present on every date of the hearing including the date prior to 8th February, 2016 and therefore it cannot be said that the applicant was not interested in prosecuting the application. He submitted that there was no justification for dismissal of the said application for want of prosecution, considering the fact that the applicant was present on almost all the dates. He submitted that the applicant has been taken into custody and hence prays that the applicant be enlarged on bail, pending the hearing and final disposal of his revision application being Criminal Revision Application No.427 of 2016.

3. Perused the papers in particular the impugned order and Roznama in the said case. It appears that the applicant was present on almost all the dates including the date prior to the dismissal of the complaint/application, for want of prosecution.

4. Considering the peculiar facts of this case, the application is allowed. The applicant's sentence is suspended and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

(i) The Applicant be released on cash bail in the sum of Rs.10,000/- for a period of three weeks;

(ii) The Applicant shall thereafter furnish P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount, within a period of three weeks of his release on cash bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. In view of the aforesaid, Criminal Application No.433 of 2016, does not survive and the same is also disposed of.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.