

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

**CRIMINAL APPLICATION NO. 894 OF 2015
IN
CRIMINAL APPLICATION NO. 7 OF 2015**

Prashant Bhanudas Dighe and
Papya @ Digya and Ors.

...Applicants

vs.

The State of Maharashtra & Anr.

...Respondents

Mr.S.S. Musale for Applicants.
Mrs.M.M. Deshmukh, APP for the State.
Mr.Subhash Hulyalkar for Respondent No.2.

CORAM : RANJIT MORE & S.C. GUPTA, JJ.

22 JANUARY 2016

P.C. :

Heard learned Counsel for the Applicants and learned APP for the State. The application is filed for recalling the order dated 16 April 2015 passed in Criminal Application No.7 of 2015.

2 By the order dated 3 February 2015, we allowed Criminal Application No.7 of 2015 in terms of prayer clause (A) subject to the Applicant's paying the costs of Rs.10,000/- to Respondent No.2.

3 Criminal Application No.7 of 2015 was placed on board on 6 April 2015 as the Applicant did not pay the amount of costs to Respondent No.2 as per the order dated 3 February 2015. On that date, the Applicant made a statement that within a week's time, the said amount would be deposited in the court. The statement was accepted.

4 Criminal Application No.7 of 2015 was again placed on the board on 16 April 2015 as the Applicant did not honour his statement of depositing the

amount of Rs.10,000/- in the registry. We, therefore, recalled the order dated 3 February 2015 and dismissed Criminal Application No.7 of 2015.

5 The Applicants today are ready with the demand draft dated 20 January 2016 of Rs.10,000/- in the name of Registrar, Bombay High Court. Today, the Applicants have explained the circumstances under which earlier they could not deposit the said amount. The explanation is found to be satisfactory. We, accordingly, allow this application in terms of prayer clause (a) and recall the order dated 16 April 2015 passed in Criminal Application No.7 of 2015, subject to Applicants' depositing the said demand draft with the Registrar during the course of the day.

(S.C. GUPTE, J.)

(RANJIT MORE, J.)