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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.975 OF 2015
WITH
CRIMINAL APPLICATION NO.976 OF 2015
IN
CRIMINAL APPLICATION NO.596 OF 2015**

Rupesh Ganpat Arvarekar and Anr. ..Applicants.
V/s.

Smt. Aruna Vijay Parab and Ors. ..Respondents.

Mr.S.I. Kantharia for the applicants.
Mrs.M.M.Deshmukh, APP for respondent-State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 11TH JANUARY, 2016

P.C. :-

1. Heard learned counsel for the applicants and learned APP for the respondent-State. By order dated 25th August, 2015, we allowed Criminal Application No.596 of 2015 in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- to be paid by the applicants to the Registry within a period of one week from the date of the order. We further directed the Registry to pay the said amount to respondent No.1 on her making an application. We also observed that in the event the applicants fail to deposit the cost within stipulated time, the criminal application shall stand dismissed automatically without further reference to the Court. The applicants could not deposited the amount within the stipulated time, therefore, Criminal Application No.596 of 2015

stood dismissed automatically.

2. The applicants have filed Criminal Application No.976 of 2015 seeking restoration of Criminal Application No.596 of 2015 and Criminal Application No.975 of 2015 is filed for condonation of 58 days delay occurred in taking out the application for restoration of Criminal Application No.596 of 2015.

3. On behalf of the applicants, learned counsel gives an undertaking that the aforesaid costs will be deposited with the Registry within one week from today. Statement is accepted.

4. The applicants have also given explanation in what circumstances the amount could not be deposited within the stipulated time. Delay caused in filing an application seeking restoration of the criminal application No.596 of 2015 is also explained.

5. In the circumstances, both the applications are allowed. The delay of 58 days occurred in taking out Criminal Application No.976 of 2015 is condoned. We also restore Criminal Application No.596 of 2015 and the order passed on 25th August, 2015, subject to the applicants depositing the said costs within a period of one week from today.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)