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

**CRIMINAL APPLICATION NO.32 OF 2017
IN
CRIMINAL APPEAL NO.273 OF 2003**

Gregory N. Dharmai

...Applicant
(Intervenor)

IN THE MATTER BETWEEN

Thakur Lalji Singh
Versus

...Appellant

The State of Maharashtra and Ors.

...Respondents

Mr.Siddhant Vakil i/b Ms.Dimple Shah, for the
Applicant/Intervenor.

Mr.H.J.Dedia, A.P.P for the Respondent No.1-State

Mr.Vivek Sharma, for the Respondent Nos.2 and 3.

CORAM : REVATI MOHITE DERE,J.

DATE : 21st MARCH, 2017

P.C. :

1. None appeared for the original appellant yesterday i.e. on 20th March, 2017, despite notice being served on the learned counsel for the Appellant. Even today, when the matter

was called out in the morning session, none was present for the appellant. None appears even on the second call.

2. By this application, the applicant/intervenor seeks the following prayers:-

- a) The Applicant be granted leave to Intervene in the Criminal Appeal No.273 of 2003 ;
- b) The Order dated 08.09.2004 passed in Criminal Appeal No.273 of 2003 calling for record and proceedings of Special Case No.39 of 2000 be modified.

3. Learned Counsel for the applicant however, presses for prayer clause (b). He states that the applicant is a depositor and that the applicant had invested Rs.2 lakhs with Deal Well Finance Private Limited. According to the learned counsel for the applicant, the learned Special Judge is unable to proceed with the case, being MPID Special Case No.39 of 2000, as the original record and proceedings were called for by this Court in Criminal Appeal No.273 of 2003 vide order dated 8th September, 2004.

He submitted that as the original record and proceedings are in this Court the trial Court is handicapped and cannot proceed with the case, which is of the year 2000.

4. Learned Counsel for the respondent nos.2 and 3 (original Accused) states that he has no objection if the order dated 8th September, 2004 passed in Criminal Appeal No.273 of 2003 is modified and the original record and proceedings is sent back to the trial Court, so as to enable the trial Court to proceed with the case, being MPID Special Case No.39 of 2000.

5. Considering the aforesaid, it is necessary to modify the order dated 8th September, 2004 passed in Criminal Appeal No.273 of 2003, in the interest of justice and direct the Registry of this Court to send back the original record and proceedings to the trial Court before whom the MPID Special Case No.39 of 2000 is pending.

6. Registry to ensure that the original record and proceedings in MPID Special Case No.39 of 2000 is sent back to

the trial Court, within two weeks from today, after taking xerox copies of the said record.

7. A copy of the said order be placed in Criminal Appeal No.273 of 2003 along with xerox copy of the R&P.

8. Application is accordingly disposed of on aforesaid terms.

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

(REVATI MOHITE DERE, J.)