IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.09 OF 2017
IN
REVISION APPLICATION (ST) NO.08 OF 2017

Yusuf M. Talwala ….Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents

Mr. Aniket Nikam i/b. Mr.C.S. Damre for the Applicant.
Mr. P.H. Gaikwad, APP for the State.
Mr. M.S. Kadu for respondent No.2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 16th AUGUST, 2017

P.C. :

1. Rule. The respondents waive service, by consent rule is made returnable forthwith and the revision is taken up for final disposal.

2. The applicant herein has challenged the order dated 02.02.2015 whereby the application for condonation of delay in filing the appeal, challenging the Judgment dated 03.09.2013 in Criminal Case No.7118005/SS/2012, was dismissed for default. The respondents have consented for setting aside the impugned order subject to the applicant depositing an amount of Rs.50,000/- within a period of one week from the date of this order and an

amount of Rs. 2 Lakhs within four weeks from the date of this order. The applicant has agreed to deposit the amount of Rs.50,000/- within one week and Rs.2,00,000/- within four weeks. Statement accepted.

3. Hence, in the light of above statements, the following order is passed.

ORDER

1. The revision application is allowed with cost of Rs.10,000/-.

2. The impugned order dated 02.02.2015 in Misc. Application No.2776 of 2013 is set aside and the Miscellaneous application is restored to file.

3. The applicant is directed to deposit Rs.50,000/- before the Additional Sessions Court within one week and Rs.2,00,000/- within four weeks from the date of this order.

4. The parties to appear before the Additional Sessions Judge on 28.08.2017, at 11.00 a.m.

5. In view of disposing of the revision application, Criminal Application No.09 of 2017 does not survive and accordingly stands disposed of.

(ANUJA PRABHUDESSAI, J.)