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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.93 OF 2017
WITH
CRIMINAL APPLICATION NO.94 OF 2017
CRIMINAL APPLICATION NO.95 OF 2017
CRIMINAL APPLICATION NO.96 OF 2017

Samat Rasiklal Jariwala	...	Applicant
vs.		
State of Maharashtra & Anr.	...	Respondents

Mr. Mehul R. Thakker for the Applicant.

Ms. Purnima H. Kantharia for Respondent no.2.

Mr. S. V. Gavhand, APP for the State

CORAM : A. K. MENON, J.

DATE : 21st JUNE, 2017

P.C.,

1. By these Criminal Applications, the applicant seeks to challenge orders dated 4th April, 1998 passed by the Chief Metropolitan Magistrate Court in C.C. Nos. 1801379/SS/2014, 1801380/SS/2014, 1801381/SS/2014 and 1801382/SS/2014 issuing process after condoning delay in filing the complaint. The applicant has sought to challenge the impugned order in January, 2017 on several grounds which relate to his appointment as Director of the Company apparently under the scheme sanctioned on 28th February, 1995 under the Sick Industrial Companies e(Special Provisions) Act 1985.
2. The applicant challenged the condonation of delay and subsequent issue of process. What is pertinent to note is that the applicant admits that he was served

in August, 1999 and that for more than 16 years applicant has been appearing before the trial Court. Admittedly, the applicant had an alternate remedy to seek discharge on the very ground that he now seeks to canvass. In paragraph 8 in this application the following averment is made :

“The Application does not suffer from laches and the delay in filing the Application deserves to be condoned in the interest of justice considering the various facts explained hereinabove. The Applicant has a good case on merits.

3. It is not understood on what basis the said averment has been made in this application since admittedly he has approached this Court after a period of 16 years and that having approached either sought discharge before the Magistrate Court or before the Sessions Court. In the circumstances there is no reason to entertain this application and I therefore pass following order :

- (i) These four applications are rejected.
- (ii) No orders as to costs.

(A. K. MENON, J.)