

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

CRI. WRIT PETITION NO. 722 OF 2017

Dhananjay Krishnaji Chavan

... Petitioner.

V/s.

Bharat Pandurang Bhange & Anr.

... Respondents.

Mr.Dhananjay K. Chavan, the Petitioner, appears in person.

Mr. M. A. Chaudhari, Advocate for Respondent No.1.

Mr. V. B. Konde-Deshmukh, APP for the State.

CORAM : RAVINDRA V.GHUGE,J.

DATE : 21 MARCH, 2017

P.C. :

1 The petitioner has appeared-in-person before the court. There is no dispute that he has not made an application to the committee under the rules newly formulated, for seeking permission to conduct the matter in-person. However, I am allowing him to address the court in-person for the reason that the petitioner is a practicing advocate from Solapur and would, therefore, be in a position to assist the court.

2 I have heard the petitioner-in-person and the learned counsel for respondent no.1, original accused, at length.

3 After conclusion of the oral submissions by both the sides, the petitioner-in-person stated that heavy cost may be imposed on respondent no.1 for having made an application belatedly, which has led to the impugned order dated 03.02.2017. Learned counsel for respondent no. 1 submits that he is not averse to paying costs, if a reasonable amount is stated.

4 Considering the above, this petition is partly allowed by consent.

5 Respondent No.1 shall pay cost of Rs. 7,500/- to the petitioner. The respondent shall deposit the said amount before the trial court within a period of two weeks. After the amount is deposited, the petitioner shall withdraw the said amount without any condition.

6 Considering the above, clause (3) of the operative part of the impugned order is maintained. It is expected that both the litigating sides shall appear before the learned Magistrate on 30.03.2017 for giving specimen samples of their hand writings. The learned Magistrate shall thereafter comply with the directions under clause (3) of the order dated 03.02.2017 forthwith and shall issue a specific direction that the opinion of the hand writing expert shall be submitted within 45 days. Thereafter, the litigating sides shall render co-

operation to the trial court for deciding the complaint as expeditiously as possible and within two months, as is directed by the learned Sessions Judge.

7 The costs for the matter being sent to the hand writing expert shall be borne by respondent no.1, original accused.

(RAVINDRA V.GHUGE,J.)

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