

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

**CRIMINAL APPLICATION NO. 835 OF 2017
IN
CRIMINAL APPLICATION NO. 278 OF 2017**

Mahesh Narayan Joglekar

... Applicant

V/s.

DMSO's Metal Pvt. Ltd. & Ors.

... Respondents

Mr. Ashish Singh i/b DSK Legal for the Applicant.

Ms. Pooja Rathod i/b Anil Agarwal for the Respondent No.1

Ms. Rutuja Ambekar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 20th SEPTEMBER, 2017

P.C.:

1 This is an application for restoration of Criminal Application No. 278 of 2017 which is dismissed for non removal of office objections. There is a delay of 158 days in preferring present application. Learned Counsel for Respondent No.1 vehemently opposed the present application.

2 However, for the reasons stated in the application and in the interest of justice, I am inclined to allow the application subject to condition that the Applicant shall pay costs of Rs.10,000/- to the High Court, Legal Aid Committee.

3 Hence, the following order:

a) Delay of 158 days in preferring present application is condoned and

application is restored to the file subject to condition that the Applicant shall pay costs of Rs.10,000/- to the High Court, Legal Aid Committee within a period of two weeks from today.

b) Payment of costs shall be condition precedent for restoration of criminal application.

c) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)