

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.290 OF 2014**

IN

CRIMINAL APPLICATION NO.258 OF 2014

IN

CRIMINAL REVISION APPLICATION NO.314 OF 2014

L & T Finance Ltd.

)...Applicant

V/s.

Madhavrao Ghorpade & Anr.

)...Respondents

Mr. Vivek Patil i/by Vivek Patil & Associates, Advocate for the Applicant in APPR 290/2014 and for the Respondents in APPR 257/2014.

Mr. Mahesh Joshi, Advocate for Respondent in APPR 290/2014 and for the applicant in REVN 314/2014 and APPR 257/2014.

Ms. V.S.Mhaispurkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 18th April, 2017.

P.C. :

This application filed by the respondent/original complainant for recalling the order dated 30.9.2014 passed by this Court in the Criminal Application No.258 of 2014 whereby the said application was allowed and the revision petitioner/accused came to be released on bail.

2 Heard both sides and perused the order dated 30.9.2014 releasing the revision petitioner/original accused on bail during the pendency of the revision petition.

3 It is seen that by this order dated 30.9.2014 passed in Criminal Application No.258 of 2014, though the revision petition was not on board, it was taken on board and the applicant therein/original accused was directed to be released on bail during the pendency of the revision petition.

4 The grievance of the present applicant/original complainant is to the effect that without noticing him, the application for bail bearing no.258 of 2014 was disposed of finally by this Court.

5 It is basic principle of natural justice that no adverse order can be passed without hearing of affected party. In this case, it is seen that without hearing the original complainant, the revision petitioner/accused was ordered to be released on bail by allowing his application finally. Such order cannot be sustained as it is passed without hearing affected party and, therefore, the order:

- (1) The Criminal Application No.290 of 2014 is allowed.
- (2) The order dated 30.9.2014 passed in the Criminal Application No.258 of 2014 releasing the revision petitioner/original accused is recalled.

(A. M. BADAR, J.)