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

**CRIMINAL APPLICATION NO.484 OF 2017
IN
CRIMINAL WRIT PETITION NO.138 OF 2017**

Mohmmad Amiruddin Haji
Talukdar

... Applicant

V/s.

The State of Maharashtra and anr

... Respondents

Ms. Saili N. Dhura i/by Ranjeet Patil, for the
Applicant.

Mrs. A. S. Pai, APP for the Respondent State.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 20th NOVEMBER, 2017.

P.C. :

- 1] Heard learned counsel for the applicant and learned APP.
- 2] By the order dated 15th June, 2017, we allowed the above petition for quashing the proceeding in Session Case subject to applicant's depositing costs of Rs.25,000/- with Tata Memorial Cancer Hospital, within a period of four weeks from the date of order.
- 3] In terms of the above referred order, the applicant ought to have deposited costs on or before 14th July, 2017. The applicant could not deposit the said amount and therefore, petition was

dismissed as the condition precedent stipulated therein was not complied with.

4] Learned counsel for the applicant submits that in fact cost was deposited with Tata Memorial Hospital on 17th July, 2017 i.e after 3 days of the stipulated period. The photocopy of the receipt of payment towards costs has been annexed to this application which is taken on record. The present application, is therefore, taken out for extension of time for production of the receipt of the payment towards costs, on the record of the Registry.

5] Though there is delay of 3 days in depositing the same, the petitioner has explained the said delay. We, therefore, permit the applicant to produce the said receipt on the record of the Registry, within a period of one week from today. Consequently, we set aside the order of dismissal of writ petition and restore the order dated 15.6.2017.

6] Application is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]