

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION(APPP) NO.1306 OF 2017
WITH
CRIMINAL APPLICATION(APPR) NO.157 OF 2017
IN
CRIMINAL REVISION NO.197 OF 2011

(Ramesh S/o Chhindbaji Bagaitkar and another..vs..State of Maharashtra, through
PSO.PS.Kanhan,District-Nagpur.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri C.G.Barapatre, Advocate for applicants.
Smt. K.R.Deshpande,A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 7 , 2017

MISC.CRIMINAL APPLICATION NO.1306 OF 2017:

This is an application for condonation of delay in moving the application for restoration of Criminal Revision No.197/2011.

Heard Shri C.G.Barapatre, learned Advocate for applicants and Smt.K.R.Deshpande, learned A.P.P. for State/non-applicant.

For the reasons stated in the application, the application is allowed. The delay is condoned.

MISC.CRIMINAL APPLICATION NO.157 OF 2017:

This is an application for restoration of Criminal

Revision No.197/2011. By the order dated 20/6/2017, this Court dismissed the Criminal Revision No.197 of 2011 for default.

By disposing the matter in default, this Court vacated the interim protection of suspension of sentence granted in favour of the applicant on 22/12/2011.

I have heard learned counsel for applicants and learned A.P.P. for State-non-applicant.

It is stated in the application on oath that earlier application used to be represented by learned Counsel Shri Yogesh Nayyar. It is stated on oath that learned counsel Shri Yogesh Nayyar suffers from brain hemorrhage and therefore on the date when the matter was called he could not remain present therefore the matter was dismissed in default.

For the difficulties of the learned counsel as pointed out he was unable to attend this Court. In that view of the matter the application is allowed.

Criminal Revision No.197/2011 is restored to file.

CRIMINAL APPLICATION NO. _____/2017:

By this application, the applicants are praying for suspension of substantive jail sentence.

The Criminal Revision No.197/2011 was admitted by this Court and substantive jail sentence imposed upon the applicants was also suspended and they were released on bail. However, on 20/6/2017 since nobody appeared on behalf of the applicants, this Court dismissed the revision in default and also revoked the interim order and cancelled the bail. It is also ordered that the learned Court below should take necessary steps against the applicants to serve the remaining sentence.

Today, the application for restoration of Criminal Revision No.197/2011 is allowed by this Court in view of the reasons for not appearing learned counsel on the date.

The substantive jail sentence imposed upon the applicants was already suspended by this Court vide order dated 22/12/2011. The applicants are personally present in the Court. In view of the said, the application is allowed. Hence, the order.

ORDER

1. The interim order passed by this Court on 22/12/2011 to revive.
2. In that view of the matter the learned Court below shall not pass any order for issuance of non-bailable warrants against the present applicants. If such warrants are already issued by the learned Court below then in that event it is directed that the said non-bailable warrants shall not be executed upon the present applicants.

3. Copy of this order duly authenticated by the Court's Sheristedar be supplied to learned counsel for applicants.

JUDGE

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