

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.854 OF 2017

IN

CRIMINAL APPEAL NO.616 OF 2015

M/S.M.B.BUILDERS

)...APPLICANT

V/s.

MR.DILIP ARJUN PATIL AND ANR.

)...RESPONDENTS

Mr.Pravin Desai, Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 4th JANUARY 2018

P.C. :

1 This is an application for restoration of Criminal Appeal No.616 of 2015.

2 Heard the learned advocate appearing for the applicant/accused. He submits that there is no necessity to issue notice to respondent no.1 as the appeal was dismissed in default because of non-payment of requisite court fees and not effecting

the amendment by the appellant/accused, in pursuant to the order dated 20th April 2017.

3 The learned APP appeared for respondent no.2/State.

4 Perused the record. It is seen that the appeal was admitted on 6th May 2015. It was listed on 20th April 2017 for directions to remove office objections in respect of payment of court fees and for carrying out amendment. Conditional order was passed granting two weeks time to remove office objections. The office objections were not removed and that is how the appeal came to be dismissed.

5 The learned advocate appearing for the applicant/accused undertakes to remove all office objections within a period of three weeks from today.

6 In this view of the matter, the application is allowed.

7 Criminal Appeal bearing No.616 of 2015 is restored to the file and the learned advocate for the applicant/accused is granted three weeks time to remove all office objections.

8 The application is accordingly disposed of.

(A. M. BADAR, J.)