

Dond

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

**CRIMINAL APPLICATION NO. 620 OF 2016
IN
CRIMINAL APPLICATION NO. 118 OF 2014**

Kumar Devendra Vora

.Applicant

Vs

M/s Vallabhdas & Co & Ors.

..Respondents

Mr. Sanjiv A. Sawant for applicant.

Mr. Sanjiv Deshpande for Respondent Nos.1 and 2.

Ms. V.S. Mhaispurkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 2nd APRIL 2018.

P.C.:

1] This is an application for condonation of delay in filing the Criminal Application for setting aside the Order dated 7th October 2014 passed in Criminal Application No.118 of 2014 by this Court and for restoration of the said application to file.

2] The learned Counsel for the applicant submitted that, the said Criminal Application No.118 of 2014 was disposed off by an Order dated 7th October 2014 by this Court on the ground that the parties herein have entered into the consent terms and the respondent Nos.1 and 2 had agreed to pay the amount mentioned in Clause No.3(b) of the said consent terms.

He submitted that the cheques at serial Nos.16 to 24 of Clause No.3(b) have been dishonoured on presentation and thus the respondents have committed breach of the undertaking given by them. He submitted that the applicant waited for the respondents to honour their commitment and when they did not pay the amount, the applicant was constrained to file the aforesaid application for recalling of the aforesaid Order.

3] For the reasons stated in paragraph Nos.1 and 2 of the application, the delay is condoned and the application is allowed in terms of prayer clause (a).

(A.S.GADKARI, J.)