

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

CRIMINAL APPLICATION NO. 16 OF 2019

Stonemann Royale Ltd.& Anr.

...Applicants

Versus

The State of Maharashtra & Anr.

...Respondents

.....
Ms.Mallika Ajay Ingale a/w. Mr.Rushit P. Thakkar for the Applicants.
Mr.Vinod Chate, APP for Respondent No.1 -State.
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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: 09 JANUARY 2019**

P.C.:

1. Upon urgent mentioning, taken on production board.
2. In this Criminal Application, the order dated 3rd January, 2019 passed by the learned Additional Sessions Judge, Sessions Court for Greater Bombay in Criminal Appeal No. 659 of 2014 is challenged.
3. The learned counsel for the applicants/ appellants has submitted that this Application can be disposed of without giving notice to the other side in view of the nature of the prayers. The Appeal is preferred against the order of conviction under section 138 of the Negotiable Instrument Act. She further submits that the presence of the applicants/appellants is not required and the Appeal can be heard and disposed of. In support of her submissions, she has relied on the following judgments :

(a) ***Dharam Pal and Ors. Vs. State of U.P.*** reported in ***MANU/SC/7075/2008***;

(b) ***Bani Singh and Ors. Vs. State of U.P.*** reported in ***MANU/SC/0615/1996***.

She has informed that now the matter is fixed before the Sessions Court on 23rd January, 2019.

4. The learned APP while supporting the order passed by the learned Sessions Judge, has opposed this Application.

5. The submissions of the learned counsel for the applicants/appellants are correct. The Appeal can be decided on merits in absence of the applicants/ appellants. Hence, the order dated 3rd January, 2019 passed by the learned Additional Sessions Judge, Sessions Court for Greater Bombay is hereby set aside.

6. Criminal Application is allowed and accordingly disposed of.

(MRIDULA BHATKAR, J.)