

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 546 OF 2019

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Shree Siddhivinayak Developers & Anr. ...Petitioners

VERSUS

The State of Maharashtra & Ors.. Respondents

Mrs. Mallika Ingale a/w. Mr. Rushit P. Thakkar, Advocate
for Petitioners.

Mr. Siddhesh Bhole a/w. Adv. Abdulla Cutlariwalla I/b.
Haresh Jagtiani & Associates for Respondent No. 2.
Mr. A.R. Patil, APP for State.

CORAM : S. S. Shinde J.

DATED : 19th June, 2019

P.C.

1. These twelve writ petitions are filed with following substantive prayers which are identical in nature except the criminal appeal and complaint number:-

b. The impugned Order and Judgment dated 25.01.2019 passed by Hon Sessions Court at Bombay in Criminal Appeal No. 763 of 2015 in C.C. No. 7104421/SS/2011 by the Court of Learned Magistrate 71st Court, Mazgaon, Mumbai be modified in the following manner:

- i) The condition of imposing cost of Rs. 50,000/- be vacated vide clause no. 1;*
- ii) The condition stipulating the period for competition of trial by the Metropolitan Magistrate Court by 08.03.2019 be vacated and set aside.*

2. Learned counsel appearing for petitioner has tendered across the bar the chart showing appeal numbers & certified copies of twelve Judgments of Sessions Court, Greater Bombay passed in each of the criminal appeals, the same are taken on record and marked as 'X'

collectively for identification.

2. This Court on 1.02.2019 issued notices to respondents and time to deposit amount of Rs. 50,000/- was extended till 01.03.2019 and time to time thereafter.

3. Learned counsel appearing for petitioner inform this Court that in all the twelve cases amount of Rs. 30,000/- in each case, pending before the Trial Court has been deposited. In addition to depositing the said amount in each pending case before the Trial Court, the petitioner has also handed over bankers cheque of Rs. 2,40,000/- in twelve cases to the respondent no. 2.

4. Learned counsel appearing for petitioner on instructions does not press substantive relief claimed in terms of prayer clause (b) in these petition. Learned counsel appearing for petitioner on instructions makes a statement that the petitioner will apply on or before 24th June 2019 before the Trial Court for withdrawal of amount of Rs. 30,000/- in each case forthwith and after receiving the said amount same will be given to the respondent no. 2. In case such applications are filed by the petitioner, Trial Court to ensure that the said amount is returned to the petitioner forthwith. After receiving said amount by the petitioner on very next day petitioner

shall give it to the respondent no. 2.

5. Since on instructions learned counsel appearing for petitioner does not press the substantive relief claimed in the petition, in the light of discussion made herein above, petitions stand disposed of.

6. Needless to observe that, already trial has been expedited and in that respect no further directions are necessary.

[S.S. SHINDE, J.]