

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

**CRIMINAL APPLICATION NO.188 OF 2019
IN
CRIMINAL WRIT PETITION NO.2560 of 2017**

Shwetank H. Jain and Ors.

...Applicants

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Ashok P. Mundargi, Senior Advocate i/b Mr. Rahul Moghe for the applicants.

Mr. K. V. Saste, APP for the Respondent/State.

Ms. Puja Achrekar for Respondent No.2.

**CORAM :B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.**

**DATE :30/04/2019.
(In Chamber at 2.45 p.m.)**

P.C.:

. Petitioner Nos.1 and 2 in disposed of Criminal Writ Petition No.2560/2017 are before this Court pointing out other criminal/revenue matters pending against them. No such matters are pending against other petitioners.

2. We have disposed of the matter on 5/3/2019 in view of the statement made at the bar that there are no criminal antecedents. However, then we also gave learned APP an opportunity to verify and to move appropriate application.

3. After some time the matter was then mentioned again on 5/3/2019 in Court in presence of Learned APP stating that petitioner Nos.1 and 2 had disclosed pendency of other matters against them. Request was made to this Court not to sign the order so as to enable the petitioners to

have necessary opportunity.

4. Request was considered by this Court and as the order was already dictated, we found it appropriate to sign it. After the order came to be signed, the petitioners have also discharged obligation casted upon them of donating amount of Rs.1 lakh each to the Police Welfare Fund of State of Maharashtra.

5. The present application has been filed pointing out the fact that there is one identical criminal prosecution still pending wherein the petitioners have entered into compromise (one time settlement). Pendency of some custom case is also pointed out.

6. Learned APP submits that the State Government is still in the process of verifying the antecedents.

7. In this situation, as other similar matters to which reference has been made are still pending, we find that interest of justice would be met by accepting the apology tendered by the petitioners and by directing them to donate amount of Rs.1 Lakh each more to the Police Welfare Fund of State of Maharashtra within a period of two weeks from today.

8. The liberty given to the State Government to move this Court if any other adverse material is found against the petitioners can be utilized by it at any time. This order shall be made part and parcel of the order dated 5/3/2019.

9. Accordingly, the present application is partly allowed and disposed of.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)