

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

CRIMINAL WRIT PETITION NO. 1791 OF 2019

Mr. Sameer Sadashiv Dhanwade

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Hardik Vyas, Advocate for the petitioner.

Mr. S.S.Shinde i/b Vashi & Vashi for Respondent No.6

Adv. N.B. Patil, APP for the State.

**CORAM : S. S. SHINDE, J
DATE : 30th July 2019**

P.C.

1. Heard the counsel appearing for the parties. This petition takes an exception to the order dated 8th March 2019 passed in Criminal Revision Application No. 773 of 2016 passed by the 25th Court, Additional Session Judge, Greater Mumbai.

2. It appears that for non compliance of the order dated 18th January 2019, the Sessions Court was constrained to dismiss the Revision Application filed by the petitioner on 8th March 2019.

3. Learned counsel appearing for the petitioner submits that, petitioner undertakes to comply with the order dated 18th January 2019 within a period of three weeks from today. He submits that the petitioner has very good case on merits and therefore in the interest of justice, the order impugned in this petition may be set aside. Learned counsel

appearing for the petitioner on instructions submits that the petitioner is ready to compensate the respondent No.6 by depositing Rs. 10,000/- towards cost.

4. On the other hand learned counsel appearing for the contesting respondent submits that the petitioner has to blame himself, since the order or direction contained in the order dated 18th January 2019 passed by the Session Court were not complied with, even though two months time was granted by the Court. Therefore, he submits that this Court may not cause interference in the impugned order.

5. Upon appreciating rival submissions and perusal of the impugned order in this petition, it appears that the Revision Application filed by the petitioner has been dismissed for non compliance of the directions contained in the order dated 18th January 2019.

6. It is true that the petitioner should have complied with the directions contained in the order dated 18th January 2019, however, in my view one more opportunity needs to be given to the petitioner to comply with the directions contained in the order dated 18th January 2019.

7. In the light of the above, the impugned order dated 8th March 2019 is quashed and set aside subject to compliance of the directions as contained in order dated 18th January 2019 passed by the Session Court within a period of three weeks from today. The concern Court shall allow the petitioner to make compliance of the order dated 18th January 2019. The Petitioner shall pay Rs. 10,000/- to respondent No.6 towards cost within two weeks. The parties to appear before the Session Court on 26th August 2019, if the Session Court, Greater Bombay is satisfied about the compliance of the order dated 18th January 2019, the Session Court may proceed to hear the revision on merits or may fixed further date for hearing of the revision.

8. With the aforesaid directions the Writ Petition stands disposed of.

[S. S. SHINDE , J]