

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.958 OF 2019

IN

CRIMINAL APPEAL NO.411 OF 2018

New Steel Trading Private Limited ... **Applicant**
Versus
The State of Maharashtra & Ors. ... **Respondents**

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Mr.Adithya R. Iyer i/b. Mr.Ashish S. Chavan, Advocate for the Applicant.

Mr.A.R.Kapadnis, APP for Respondent No.1/State.

Mr.A.P.Steenson i/b. APS Law Associates, Advocate for Respondent Nos.2 and 3.

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CORAM : A.M.BADAR J.

DATED : 17th SEPTEMBER 2019.

P.C. :

1 Heard the learned Counsels appearing for the applicant as well as respondent Nos.1 to 3. None appears for the respondent No.4 probably because notice seems to be not served on respondent No.4 as yet. However, it is seen from the Order dated 20th March 2018 passed by this Court while admitting the appeal that respondent No.4 did not enter any appearance despite service at that point of time. Hence, for considering this

application for restoration of the appeal, appearance of respondent No.4 is not necessary.

2 The appeal challenging acquittal of respondent Nos.2 to 4 came to be admitted by this Court, but subsequently it was dismissed in default as some offence objections were not removed. This was done in pursuant to the Order dated 29th March 2019 passed by this Court.

3 The learned Counsel for the applicant submits that he will remove all office objections within a period of two weeks from today.

4 The learned Counsel for respondent Nos.2 and 3 opposed the application by contending that office objections ought to have been removed within the time prescribed by this Court vide its Order dated 29th March 2019.

5 Primary function of the Court is to adjudicate the disputes on their own merits rather to adhering to technicality of law. Admitted appeal ought not to have been dismissed merely because some office objections were not removed. The applicant has demonstrated the reason for not removing the offence objections. It is pointed out that in connected appeal, the offence objections were duly removed within the prescribed time.

6 In this view of the matter, the application deserves to be allowed and as such, the following Order :

ORDER

- (i) The Order dated 29th March 2019 is recalled by condoning the delay in filing the instant application and Criminal Appeal No.411 of 2018 is restored to the file.

- (ii) The applicant/appellant to remove all office objections in Criminal Appeal No.411 of 2018 within a period of three weeks from today.

(A.M.BADAR, J.)