

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

CRIMINAL APPLICATION NO. 427 OF 2019
IN
CRIMINAL WRIT PETITION NO. 1791 OF 2019

Sameer Sadashiv Dhanawade

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Hardik Vyas for the Applicant.

Mr. N.B. Patil, APP for Respondent – State.

Mr. Yash Manaya i/by. Vashi and Vashi for the Respondent No. 6.

Mr. Rahul Agrawal for the Respondent Nos. 2 and 4.

CORAM : S.S. SHINDE, J.

DATE : 21st AUGUST 2019

P.C.:

1. Heard counsel appearing for the applicant. This application is filed with prayer for extending further time to serve the copy of the Criminal Revision Application No. 773 of 2016 on second Respondent on such terms and conditions as this Court may deem fit and proper.

2. Learned counsel appearing for the applicant submits that, applicant has applied for the certified copy of the Revision in the Sessions Court on 2nd August, 2019 and yet the certified copy is not issued and therefore, the applicant is not able to comply with the

directions contained in paragraph no. 7 of the order dated 30th July 2019 passed by this Court.

3. On the other hand, learned counsel appearing for the second Respondent submits that the alleged transactions between the parties has taken place in the year 2004, thereafter the Magistrate has passed the order in the year 2015. The applicant filed the Revision in the year 2017. Learned counsel further submits that, when the Sessions Court passed the order on 18th January 2019, the sufficient time was granted to the applicant to comply the directions contained in order dated 18th January 2019. However, the applicant did not comply the said directions till 08th March 2019, and therefore the Sessions Court was constrained to dismissed the Revision for non-compliance of the direction contained in the order dated 18th January, 2019.

4. Upon hearing the counsel appearing for the parties and on perusal of the averments in the application, this Court is constrained to observed that, the applicant had opportunity to apply for certified copy of the Revision in the month of January 2019, when the Sessions Court passed the conditional order granting sufficient time to the applicant

to comply the direction contained in the order dated 18 January 2019. Be that as it may, this Court by order dated 30th July 2019 granted further time to the applicant to comply the directions contained in the order dated 18th January 2019 passed by the Sessions Court till 19th August, 2019. It appears that, applicant applied for the certified copy of Revision on 2nd August, 2019.

5. There is a substance in the contentions of the counsel appearing for the second Respondent that, the applicant is trying to frustrate the order passed by the Magistrate. Keeping in view the submissions made across the bar and order passed by this Court on 30th July 2019, thereby extending the time to comply with the directions contained in the order dated 18th January 2019 passed by the Sessions Court till 19th August, 2019. The prayer of the applicant for further extension of time cannot be countenanced. The applicant is trying to prolong the compliance of the order passed by the Sessions Court.

6. With the above observations application stands rejected.

(S.S. SHINDE, J.)