

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

**CRIMINAL APPLICATION NO.450 OF 2019
in
CRIMINAL WRIT PETITION NO.1360 OF 2006**

Godrej Properties Ltd & ors	.. Applicants
vs	
State of Maharashtra	.. Respondent

Mr.Amit Desai Sr.Counsel with Ms.Chandana
Salgaonkar for Applicants
Mr.V.V.Gangurde APP for State.

CORAM : P.N.DESHMUKH, J.
DATE : 16 SEPTEMBER, 2019

PC

1. Heard learned counsel for the applicants and learned APP for respondent no.1, none for respondent no.2, though appears to be served.
2. Learned counsel for the applicants orally, seeks leave to amend prayer clause (a) of the application praying for staying the impugned order of the learned revisional Court directing accused nos.2 to 5 to appear before the learned trial Court.
3. Leave as prayed for is allowed. Necessary amendment be

carried out forthwith.

4. Learned counsel for the applicants submitted that in view of statement made by the complainant in criminal case no.41/SW/2006 pending on the file of the learned Metropolitan Magistrate in writ petition No.1360 of 2006 on 13.9.2007 pending arbitration proceedings, it was stated that the complainant shall not proceed with criminal case. It is further submitted that though arbitration proceedings are complete, the award is under challenge before the appellate Court and inspite of above fact, directions are issued by the learned revisional Court by its order dated 18.7.2019 directing parties to appear before the trial Court and thus, prays that original accused nos. 2 to 5 as such, be granted exemption from their personal appearance before the trial Court. The learned APP has no objection for grant of said relief.

5. Submissions advanced as aforesaid, are found substantiated from the documents on record as from the order of the revisional Court, directions are issued to accused to appear before the trial Court.

6. In that view of the matter, application is disposed of as

allowed so far as it relates to directions to accused nos. 2 to 5 to remain present before the trial Court. However it is clarified that the said accused persons shall appear before the trial Court when their presence is called for the purpose of explaining particulars/charge and at that time, this order shall not be an impediment in any manner.

(P .N.DESHMUKH, J)