

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (APPP) NO. 1460/2019
in
CRIMINAL APPLICATION (APPP) NO.1593/2019
IN
CRI.APPR NO.106/2015
IN
CRIMINAL REVISION APPLICATION NO.86/2013
(Natha s/o Namdeo Ambhore vs.Chhatrapati shivray Gramin Pat
Sanstha)

.....
 Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 of directions and Registrar's orders

Court's or Judge's order

.....
 Mr. R.S. Kurekar, Adv.for applicant
 None for Respondent though served

CORAM : MRS.SWAPNA JOSHI, J.

DATED :14th October, 2019

CRI.APPP: NO. 1460/2019

Leave to correct the name of the applicant is granted.

This is an Application seeking condonation of delay of 149 days caused in filing the application for restoration of Cri.APPR No.106/2015 dismissed vide order dated 1.3.2019 filed for restoration of Criminal Revision No.86/2013 which was dismissed in default vide order dated 6.7.2015.

Heard Mr. R.S. Kurekar, learned counsel for the applicant. Perused the contents of the Application. On a perusal of the same, I am satisfied that the delay is properly explained and sufficient ground is made out for condoning the delay.

In view thereof, the delay is condoned. The Criminal Application is allowed and disposed of.

CRI. APPPP NO.1593/2019.

The applicant has filed this application for restoration of Cri. Application (APPR) No. 106/2015 dismissed vide order dated 1.3.2019, filed for restoration of Criminal Revision Application No. 86/2013 which was dismissed for want of prosecution vide order dated 5.7.2015.

For the reasons mentioned in the application, the Application is allowed in terms of its prayer clause (I) and disposed of.

CRI.APPLICATION (APPR) NO.106/2015.

The applicant has filed this application for restoration of Cri. Revision No.86/2013, which was dismissed for want of prosecution.

For the reasons mentioned in the application, the Application is allowed in terms of its prayer clause (i) and disposed of.

CRI. REVISION 86/2013.

The learned counsel for the applicant submits that the applicant has deposited an amount of Rs. 20,000/- in this Court. A *pursis* bearing Stamp No 5162/2019 tendered by the counsel for the applicant is accepted.

The learned counsel for the applicant submits that the learned trial court had sentenced the applicant *accused to* undergo simple imprisonment for a period of one month and *was directed to pay Rs. 20,000/-* in default, to suffer SI for one month. It is submitted that the accused has already undergone sentence of one month and at present is he is in jail. It is further submitted that even the amount of Rs. 20,000/- towards fine is also deposited by the applicant.

In view of the fact that the applicant/accused has already undergone the sentence imposed upon him and even the fine amount is also deposited, the applicant is entitled to be released from custody. The Revision stands disposed of. The applicant-Natha Namdeo Ambhore be released from jail forthwith, if not required in any other case.

JUDGE

Sahare