

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 CRIMINAL APPLICATION NO.1442 OF 2020
IN
CRIMINAL APPLICATION NO. 457 OF 2007

SANJAY S/O. PRALHADRAO MOTARGEKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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WITH
CRIMINAL APPLICATION NO.1443 OF 2020
IN
CRIMINAL APPLICATION NO. 458 OF 2007

SUJAN NISHIKANT NIRMAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr. Surve Hemant and Surve Kshitij H.
APP for Respondents: Mr. S.D. Ghayal
Advocate for Respondent No.3 : Mr. Pratik A. Bhosle

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**CORAM : V. K. JADHAV AND
S. G. DIGE, JJ.
DATED : 7th JULY, 2021**

PER COURT:-

1. Heard both sides. The main criminal applications are of the year 2007.
2. On 8.11.2011, both the applications came to be dismissed for want of prosecution and interim stay was vacated. Rule discharged.
3. The applicants have therefore, filed criminal application No. 3447 of 2012 and 3472 of 2012 for restoration of the said main applications. By order dated 8.10.2013, this Court has allowed both

the applications i.e. criminal application No. 3447 of 2012 and 3472 of 2012 subject to payment of costs of R.2000/- to be deposited before the High Court Legal Services Sub Committee, Aurangabad up to 18.10.2013. Both the applications were allowed accordingly.

4. It appears that thereafter criminal applications were listed for final hearing. By order dated 4.1.2018 since none remain present for the applicants, this Court dismissed the applications for non prosecution with observations that even in terms of the earlier order the applicants have failed to deposit the amount of Rs.2,000/- within stipulated period.

5. The applicants in both the applications, who are teachers by occupation, have filed the present criminal applications for condonation of delay 926 days caused in filing the present applications for restoration and also for recalling the order of dismissal dated 4.1.2018 and for restoration of criminal application Nos. 457 of 2007 and 458 of 2007 to their original file.

6. It appears that main criminal applications are of the year 2007. The applicants are teachers and respondent No.3 has lodged a complaint against the teachers on the count that his son was given some bad treatment in the school and when he had questioned about the same, he was wrongfully confined in the school itself. Thus, considering entire aspect of the case and the applicants are teachers

and further for the reasons stated in the applications, we allow these applications subject to payment of heavy costs. In response to the earlier order passed by this Court, the applicants have already deposited an amount of Rs.10,000/- plus earlier amount of Rs.2,000/-. We accordingly proceed to pass the following order:-

O R D E R

- I. Both the applications are allowed in terms of prayer clauses “B” and “C” subject to costs of Rs.20,000/- (Rupees Twenty thousand) to be paid by the applicants to respondent No.3 or to deposit the said amount before this court within four weeks from today.
- II. We make it clear that the applicants shall deposit only the remaining amount after deducting the earlier amount already deposited before this Court.
- III. Both the applicants are accordingly disposed of.
- IV. List the main applications on 19.07.2021.

(S. G. DIGE, J.)

(V. K. JADHAV, J.)

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