

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

CRIMINAL WRIT PETITION NO. 425 OF 2020

Gopal Das Choudhary

... Petitioner

V/s.

Vishnu Kumar Bhaiya & Anr.

... Respondents

Mr.Siddharth Jha a/w. Mr.Subhash Jha and Mr.Harekrishna Mishra i/b. Law Global for Petitioner.

Mr.Niranjan Mundargi a/w. Mr.Benny Joseph i/b. BJ Law Offices LLP for Respondent No.1.

Mr.S.S. Hulke, A.P.P. for Respondent No.2-State.

CORAM : A.S. GADKARI, J.

DATE : 3rd February 2021.

PC. :

The petitioner, original complainant has impugned Order dated 6th November 2019 passed below Exhibit-9 in Criminal Appeal No. 705 of 2017 by the learned Additional Sessions Judge, Greater Mumbai, thereby rejecting the said application. The petitioner had filed the said application for a direction to the respondent No.1/original accused, to deposit at-least 20% of the fine amount with the Appellate Court.

2. On an earlier occasion, i.e. 28th January 2021, during the course of arguments, this Court suggested the petitioner to proceed with the hearing of the main appeal, instead of pursuing and contesting the present Petition.

3. Mr.Mundargi, learned counsel appearing for the respondent No.1

fairly conceded to the said suggestion and submitted that, the respondent No.1 being the appellant before the Appellate Court is certainly interested in getting the said appeal decided within same stipulated period.

4. Mr.Jha, learned counsel appearing for the petitioner also acceded to the said suggestion.

5. Both the learned counsel for the parties submitted before this Court that, they will not seek adjournments before the Appellate Court except on medical ground and will co-operate in speedy disposal of the said appeal. The said statement is accepted.

6. In view of the above, the learned Additional Sessions Judge, Greater Mumbai seized of Criminal Appeal No. 705 of 2017 is hereby directed to expedite the hearing of the said appeal and conclude the same within a period of four months from the date of receipt of present Order.

7. It is made clear that, this Court has not adjudicated issues involved in the substantive Criminal Appeal No.705 of 2017 so also the merits of the impugned Order passed below Exhibit-9 dated 6th November 2019 in the said Appeal and both the parties are at liberty to raise their contentions before the Appellate Court.

8. Petition is disposed off in the aforesaid terms.

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[A.S. GADKARI, J.]