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

CRIMINAL APPLICATION NO.741 OF 2022

Gajendran S. & Ors.

... Applicants

V/s.

National Spot Exchange Ltd.,
through Ramchandra Shinde

... Respondent

Mr. Satyavrat Joshi with Mr. P.R. Yadav & Mr. Sanmitra
Salunke for the applicant.

Mr. Yashpal Thakur with Mr. Nimeet Sharma i/by MZM
Legal LLP for respondent/NSDL.

Mr. R.M. Pethe, APP for the State.

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CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 11, 2022

P.C.:

1. The challenge in this petition is to the order dated 20th June 2022 issuing process. It is undisputed that against the said order criminal revision application along with Miscellaneous Application No.465 of 2020 was filed seeking condonation of delay. Said miscellaneous application was allowed, subject to payment of costs, but the applicant failed to deposit the cost, with the result that the application for condonation of delay stood rejected. The effect of rejection of application for condonation of delay was that the revision against the order of issuance of process stood dismissed.

2. Without taking any steps seeking extension of time for condonation of delay in depositing the amount, the applicant has filed present criminal application.
3. On preliminary objections being raised about the maintainability, learned advocate for the applicant, on instructions, seeks permission to withdraw the application with liberty to take out appropriate proceedings seeking extension/condonation of delay in depositing the amount of costs in delay condonation application.
4. In that view of the matter, the criminal application is dismissed as withdrawn with liberty as prayed. No costs.

(AMIT BORKAR, J.)