

VRJ

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

WRIT PETITION NO.3677 OF 2022

Shaurik Exim Through Alpa Ary & Anr. ... Petitioners

V/s.

Nathabhai & Sons Through Sumeru
Ashwin Salla & Anr. ... Respondents

Mr. P. Vyas a/w Mr. Suraj Iyer i/by Ms. Archana Khan
for the petitioner.

Mr. A.R. Patil, APP for the respondent No.2/State.

Mr. Sandeep Maurya a/w Ms. Kavita Vishwakarma for
the respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 6, 2022

RC.:

1. The petitioner is challenging order dated 21st July, 2022 passed by the learned Appellate Court directing the appellants to deposit 30% of the amount. This Court on 24th November, 2022 passed following order:

“1. The learned Advocate for petitioners, on instructions, states that the petitioners shall deposit 30% of the total amount, as directed by the Additional Sessions Judge within 10 days from today.

2. It is made clear that in no circumstances, the period of 10 days shall be extended and if the petitioners fail to deposit 30% of the total amount, as directed by the Additional Sessions Judge, this Court pass the appropriate orders.

3. The petitioners shall directly pay 30% of the total amount to the complainant within 10 days from today.

4. Stand over to **6th December, 2022.**
5. Interim order, if any, to continue till then.”
2. In spite of the said fact, the petitioner has failed to pay the amount as directed by this Court.
3. Today when the learned advocate for the petitioner is called upon to argue on merits, he states that he has no instructions to argue in the matter. It appears that the petitioner is not interested to prosecuting the petition.
4. The writ petition is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)