

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1357 OF 2021

M/s. SREI Equipment Finance Ltd.and Anr. ...Applicants
Versus
M/s. Silky Enterprises Through
Its Proprietor Mr. Faizullah Khan and Anr. ...Respondents

Dr. G.R.Sharma for the Applicants.

Mr. Rupesh Lanjekar i/b Ms. Sayli Bhaidkar for the Respondent No.1.

Mrs. P.P.Shinde, A.P.P for the Respondent-State.

Mr. Rajesh Jain for the Respondent No.2.

CORAM : REVATI MOHITE DERE, J.
DATE : 18th JANUARY, 2022
(Through Video Conferencing)

P.C. :

1. Heard learned Counsel for the parties.

2. At the outset, learned Counsel for the respondent No.1 raises a preliminary objection. He submits that the applicants have directly approached this Court by way of the aforesaid application instead of filing a revision application before the Sessions Court. He submits that since an

alternate efficacious remedy is available, the aforesaid application ought not to be entertained and that the petitioners be relegated to the Sessions Court.

3. In view of the aforesaid preliminary objection raised by the learned Counsel for the respondent No.1, learned Counsel for the applicants seeks leave to withdraw the application with liberty to file a criminal revision application in the Sessions Court. He submits that the said revision application will be filed by the applicants within two weeks from today.

4. If a criminal revision application is filed alongwith an application seeking condonation of delay, the learned Judge shall consider the fact, that the impugned order was passed on 30th September, 2021, whereas, the aforesaid application was filed in this Court on 30th November, 2021 and was pending in this Court till today.

5. Learned Counsel Ms. Bhaidkar appearing for the respondent No.1 fairly states that he will not object to the delay, if any, in filing the revision application. Statement accepted.

6. Learned Counsel appearing for the respondent No.1 further states that for a period of four weeks, he will not take any steps in the Trial Court, as against the applicants for issuance of non-bailable warrant as against them. Statement accepted.

7. Application is disposed of with liberty as prayed, on the aforesaid terms.

8. It is made clear that this application has not been heard on merits and as such, all contentions of all parties are kept open.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.