

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPP) NO. 48 OF 2022

IN

CRIMINAL APPLICATION (APL) NO. 1303 OF 2021

GAJANAN S/O WASUDEO PATHODE AND OTHERS

VERSUS

STATE OF MAHARASHTRA AND ANOTHER

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Amit Band, Advocate for applicants.

CORAM : V. M. DESHPANDE & G. A. SANAP, JJ.

DATE : 20/01/2022

Applicants approached this Court by filing Criminal Application (APL) No.1303/2021 challenging the registration of the First Information Report against them at Police Station, Nagbhid, Dist. Chandrapur for the offence punishable under Sections 420, 465, 468, 471 read with Section 34 of the Indian Penal Code.

The record shows that the said criminal application was under objection. Therefore, the said application was listed before this Court and this Court (Coram : Sunil B. Shukre and Anil L. Pansare, JJ.) on 10/12/2021 directed the applicants to remove the office objections within a period of two weeks. The Court also observed that if the office objections are not removed within a period of two weeks, the application shall stand dismissed without further reference to the Court.

The applicants and their counsel failed to remove the office objections within stipulated time as directed vide order dated 10/12/2021, resultantly, the application stood dismissed.

By moving present application, the applicants are seeking restoration of the application.

Shri Amit Band, learned counsel for the applicants submitted that due to his mistake, the office objections remained to be removed. He submits that within a period of two weeks, he will remove the office objections.

In the main matter since the notices were also not issued, in our view, if the application is allowed today, no prejudice would be caused to anybody. Even same is submission of the learned Additional Public Prosecutor Shri T. A. Mirza.

Shri Band, learned counsel for the applicants volunteered that he will deposit costs of Rs.2,500/- with the High Court Legal Services Sub-Committee, Nagpur.

Statement is accepted.

The application is allowed subject to payment of costs of Rs.2,500/- with the High Court Legal Services Sub-Committee, Nagpur within a period of two weeks from today. If the costs of Rs.2,500/- is paid, the Registry shall permit the applicants to remove office objections within a period of three weeks from today.

With this, application is allowed and disposed of.

(G. A. SANAP, J.)

(V. M. DESHPANDE, J.)

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