

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

CRIMINAL REVISION APPLICATION NO.162 OF 2023

Chandrakant Atmaram Mhatre Applicant
Versus
State of Maharashtra Respondent

Mr. Kashyap S. Bhalerao, Advocate for the Applicant.
Mr. A.R. Patil, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th JUNE, 2023

P.C. :

1. The Applicant has challenged the order dated 15.3.2023 passed by the Additional Sessions Judge, Kalyan in Criminal Appeal No.4/2012 before him. The Applicant had preferred Criminal Appeal challenging the order of conviction and sentence recorded by learned J.M.F.C., 1st Court, Kalyan in R.C.C. No.685/20006. He was convicted for commission of offence punishable under Section 379 read with 34 of IPC and was sentenced to suffer RI for three months and to pay Rs.500/- and in default to suffer SI for

two days.

2. Learned counsel for the Applicant submitted that the Applicant is a poor labourer and due to his financial constraint he could not follow up with his appeal. He barely had any money to pay to his Lawyer and ultimately the Appeal came to be dismissed because the Advocate was not present.

3. Learned counsel for the Applicant prays for leniency rather than relying on any other ground for setting aside the said order.

4. Considering these submissions, in the interest of justice, to give the Applicant a fair chance for proceeding with the Appeal, I am inclined to restore the said appeal before the Sessions Court. Learned counsel for the Applicant undertakes to work-out the Appeal before the Sessions Court diligently on this occasion.

5. Hence, the following order:

:: O R D E R ::

- i. The order dated 15.3.2023 passed by the Additional Sessions Judge, Kalyan in Criminal Appeal No.4/2012 is set aside. Said Appeal is restored to its original file.
- ii. The Applicant or his Advocate shall appear before said Court on 24.7.2023. Learned Additional Sessions Judge, Kalyan then shall decide the appeal on its own merits.
- iii. Learned counsel for the Applicant shall not take unnecessary adjournment before the Sessions Court.
- iv. With these directions, Revision Application is disposed of.

(SARANG V. KOTWAL, J.)