

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

**CRIMINAL INTERIM APPLICATION NO. 2699 OF 2023
IN
CRIMINAL APPLICATION NO. 1819 OF 2019**

Simon @ Anthony Joseph Bhaskar And Ors. ...Applicants

Versus

The State Of Maharashtra And Anr. ...Respondents

....

Adv. Farzana Khan i/by Adv. Paresh More, Advocate for the Applicants.

Mr. Y. Y. Dabake, APP for the Respondent – State.

....

**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**

DATE : 4th DECEMBER, 2023.

P.C.:

1. This is an Application for recalling Order dated 23rd February, 2023, passed by this Court in Criminal Application No.1819 of 2019.

2. The Order dated 23rd February, 2023 indicate that the Petition was disposed off on the basis of statement made by learned APP that the Applicants are already charge-sheeted to which therein no challenge in the Application. By disposing of the Petition, liberty was granted to the Applicants to question the charge-sheet in fresh proceedings or apply for discharge before the

concerned Court.

3. Learned Advocate for the Applicants submitted that the Applicants had challenged the charge-sheet in Criminal Application No.1819 of 2019. Hence, the Applicants may be given opportunity to proceed with the said Petition by restoring the same.

4. From the Order dated 23rd February, 2023, it is also apparent that none appeared for the Applicants on 20th February, 2023 as well as 23rd February, 2023. Considering the fact that the Applicants had sought to challenge the charge-sheet in Criminal Application No.1819 of 2019, the Order dated 23rd February, 2023 can be recalled subject to Applicants paying cost of Rs.5,000/- to the Kirtikar Law Library, Fort, Mumbai within two weeks from today.

5. Interim Application stands disposed off accordingly.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)