

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 426 OF 2018**

Shri. Bal Khimjibhai Makwane ... Applicant
v/s.
Mr. Deepak Raghunath Dhere and anr. Respondents

Mr. Kushal Ambulkar i/b. Mr. Pawan Mali for the Applicant.
Ms. Anamika Malhotra, APP for the State.

**CORAM: R.G. AVACHAT, J.
DATED : 03rd FEBRUARY, 2023.**

P. C. :-

- . Heard learned counsel for the respective parties.
2. The Respondent No.1 despite having privately served with notice of this revision application, has not marked his appearance.
3. The order under challenge is of the dismissal of the appeal against conviction for want of stay. It need not to mention that appeal from conviction has to be decided on its own merits and the order impugned herein is therefore liable to be set-aside.
4. In view of the above, the Application is allowed in terms of prayer clause (b) and the appeal is remanded back to the Appellate Court to decide it on its own merits after hearing the parties there to.
5. Revision Application stands disposed of.

(R.G. AVACHAT, J.)