

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3690 OF 2022
IN
INTERIM APPLICATION NO.1087 OF 2020
IN
INTERIM APPLICATION NO.1088 OF 2020
IN
CRIMINAL APPEAL NO.349 OF 2020

Ramchandra Nanak Jaiswar .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Ashok R. Jaiswar for the Applicant.

Ms.P.N.Dabholkar, A.P.P. for the State.

PSI Uttam Shinde, attached to Dharavi Police Station, present.

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CORAM: BHARATI DANGRE, J.

DATED : 21st APRIL, 2023

P.C:-

1. By the present Application, the Applicant seeks setting aside of the order dated 11/03/2022, when his Interim Application Nos.1087 and 1088 of 2020 came to be dismissed for want of prosecution.

The order dated 11/03/2022 eloquently reveal the reason for dismissal of the Applications and it is clearly

recorded that there was persistent default on part of the Applicant in putting appearance.

2. The Application for restoration proceed to state that on account of the Covid pandemic, he went to his native place in Uttar Pradesh. In the meantime, the Applications were heard and, therefore, no steps could be taken to instruct his counsel to put an appearance. A specific statement is made in the Application that the Applicant is now in Mumbai and he also express an apprehension that he shall be arrested, as a warrant has been issued.

3. Though the persistent default on part of the Applicant would not entitle him for the relief, adopting a sympathetic approach, I deem it appropriate to restore the Application. This is, however, subject to two conditions, the first being that the Applicant shall report to the Investigating Officer, Dharavi Police Station, on Saturday i.e. 22/04/2023 at 11.00 a.m. and shall furnish his address of place, where he is presently residing and his contact number. He shall specifically give an undertaking that without intimation to the Investigating Officer, he will not leave the jurisdiction of Dharavi.

Another condition must ensure that, since considerable time of the Court was consumed, he shall deposit costs of Rs.10,000/- with the Investigating Officer, within a period of four weeks from today, to be paid to the victim.

4. Subject to the aforesaid stipulations, order dated 11/03/2022 is set aside. Interim Application Nos.1087 and 1088 of 2020 are restored to its file.

5. Interim Application No.3690 of 2022 stands disposed off.

INTERIM APPLICATION NOS.1087 AND 1088 OF 2020

6. Since the conviction imposed on the Applicant is under the POCSO Act, let the learned A.P.P. once again intimate Respondent No.2 about restoration of the Applications, seeking suspension of sentence and release of the Applicant on bail, during the pendency of the Appeal.

The necessary intimation shall be served through the Investigating Officer, who shall apprise her about her right to remain present in the Court or to be represented through the counsel of her choice or counsel to be provided through the Legal Services Authority. The next date of hearing in the Applications be informed as 03/05/2023.

(SMT. BHARATI DANGRE, J.)