

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4130 OF 2022
IN
CRIMINAL APPEAL NO. 817 OF 2022

T. Kannan ...Appellant
vs.
M/s. Piramal Diagnostics Services
Private Limited and Anr. ...Respondents

Mr. S. S. Kumar a/w Mr. Firoz Behlim - Advocate for the Applicant in
IA 4130 of 2022 and Respondent in Appeal No. 817 of 2022
Mr. Ram Apte – Senior Advocate a/w Mr. Devendra Tiwari a/w
Harshal P. Nahata i/by Law Chamber of Siddharth Murarka -
Advocate for the Respondent in IA 4130 of 2022 and Appellant in
Appeal No. 817 of 2022

CORAM : S. M. MODAK, J.

DATE : 16th MARCH, 2023

P. C. :-

1. Heard learned Advocate Shri S. S. Kumar for the Applicant/original Respondent No. 2 and learned Senior Advocate Shri Ram Apte for the present Respondent-Appellant/Complainant.
2. Read the order dated 22/07/2022 and the modified order dated 10/03/2023. Still learned Advocate for the Applicant wants to contend that in the memo of appeal there is no prayer for

grant of leave. My attention is invited to Rule 19 of the Bombay High Court Appellate Side Rules.

3. It is correct to say that Rule says about filing of the composite application. Even though it may be true that in the revision application as it was filed originally, there is only prayer about allowing the application by setting aside judgment and there is no prayer for grant of leave. I think this issue is now resolved as per modified order. Hence objection taken today is not entertained. Thus, interim application become infructuous. Now incorporate the prayer to grant of leave in the original revision application is ministerial act, the Appellant can do it within two weeks. Application is disposed of. Copy be served on learned Advocate for the Respondent in Appeal No. 817 of 2022 through e-mail.

4. Matter be kept on **18th April, 2023.**

[S. M. MODAK, J.]