



Diksha Rane

1. REVN 330-22.doc

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

**CRIMINAL REVISION APPLICATION NO.330/2022
WITH
INTERIM APPLICATION NO.2721/2022
IN
CRIMINAL REVISION APPLICATION NO.330/2022**

M/S. MUKESH B. JHAVERI & ANR. ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Adv. Meghashyam Kochrekar a/w. Adv. Akshay Kamble a/w.
Adv. Neha Patil, Adv. Rina Ram i/b. Vivaka Partners for the
applicants.

Mr. S. H. Yadav, APP for the State.

Adv. Girish Agrawal a/w. Adv. Shubham Jangam i/b. Adv.
Amit Sirsath for the respondent no.2.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 30, 2024.

P.C. :

1. Learned counsel for the applicants filed the affidavit-cum-undertaking which is duly affirmed by the applicant Mr. Mukesh B. Jhaveri, which is taken on record and marked as 'X' for identification.

2. Mr. Girish Agrawal, learned counsel for the respondent no.2 submits that the respondent no.2 has no objection if the revision application is disposed of in view of the

affidavit-cum-undertaking filed by Mr. Mukesh B. Jhaveri subject to him abiding by the statements made in the affidavit-cum-undertaking and making the payment as per the schedule stipulated in the affidavit-cum-undertaking.

3. The applicant Mr. Mukesh B. Jhaveri is personally present in the Court who is duly identified by learned counsel for the applicants. Mr. Mukesh B. Jhaveri has agreed and undertaken to this Court to abide by the statements made in the affidavit-cum-undertaking dated 23/1/2024.

4. Learned counsel for the applicants submitted that in the event there is a failure on the part of the applicants to abide by the affidavit-cum-undertaking tendered, the order impugned in this revision application shall stand revived.

5. Mr. Aditya Khetan, representative of the respondent no.2 is present in the Court identified by his counsel, through his counsel submits that the complainant has no objection in disposing of the revision application by setting aside the impugned order in view of the affidavit-cum-undertaking.

6. The applicant Mr. Mukesh B. Jhaveri to abide by the affidavit-cum-undertaking. If the terms are not abided the

order impugned in this revision application shall stand revived and the applicant shall face the consequences of the impugned order.

7. The revision application is allowed in view of the affidavit-cum-undertaking filed by the applicant Mr. Mukesh B. Jhaveri. The impugned order of conviction is set aside.

8. The criminal revision application stands disposed of.

9. The interim application also stands disposed of.

(M. S. KARNIK, J.)