

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

**INTERIM APPLICATION NO. 4759 OF 2023
IN
WRIT PETITION NO. 508 OF 2019**

Yogesh Sunder Sontakke & Ors. ..Applicant/Petitioners

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. Kishor Walanju for the Intervenor/Applicant for the
Petitioner.

Ms. M.M.Deshmukh, APP for the State.

**CORAM : ANUJA PRABHUDESSAI, &
N. R. BORKAR, JJ.**

DATED : 2nd JANUARY, 2024.

P.C.

1. By order dated 25th March, 2019, this Court had quashed the FIR with consent, subject to payment of costs of Rs.15,000/- to Tata Memorial Cancer Hospital, Mumbai. The petitioners were put to notice that in the event the petitioners fail to pay the costs, the writ petition would stand dismissed without further reference to the Court. The petitioners failed to pay the costs within stipulated time, as a consequence thereof, the petitions stood dismissed.

2. By this application the petitioners seek restoration of the petition which has been dismissed for non-compliance of the

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conditional order. Learned Counsel for the petitioners states that the petitions shall pay the costs of Rs.15,000/- to Tata Memorial Cancer Hospital, Mumbai, in the course of the day.

3. Considering the reasons stated in the application, the application is allowed subject to payment of further costs of Rs.10,000/- to be paid to Tata Memorial Cancer Hospital, Mumbai within a period of one week from the date of this Order. Failure to pay the costs of Rs.15,000/- imposed by order dated 25th March, 2019 as well as costs of Rs.10,000/- shall result in dismissal of the application without further reference to the Court.

4. Matter be listed on 9th January, 2024 for compliance.

5. Parties to act on an authenticated copy of this Order.

(N.R.BORKAR, J.)

(ANUJA PRABHUDESSAI, J.)