

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2404 OF 2024****IN****CRIMINAL APPLICATION (APL) NO. 322 OF 2023**

Akshay Anil Katkade & Ors.

.....Applicants

Vs.

The State Of Maharashtra & Ors.

.....Respondents

Adv. Imtiyaz Patel a/w M.H.I. Patel and Adv. Abdul Latif Shaikh for the Applicants.

Smt. M.H. Mhatre, APP, for the Respondent-State.

Adv. Rachana Harpale for the Respondent No.3.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**

DATE : 2nd AUGUST, 2024.

P.C.:-

- 1) This is an Application for restoration of Criminal Application (APL) No.322 of 2023, which was dismissed *in limine* by Order dated 19th June, 2024.
- 2) Present Application is filed within the period of limitation.
- 3) Advocate Ms. Harpale appearing for the Respondent No.3 opposed the Application. She submitted that, even on earlier occasion, the Criminal Application (APL) was dismissed and this is the second occasion of dismissal of it.

4) However, at the profused pleadings of the learned counsel for the Applicants and on his statement made that, the Applicants will pay cost of Rs.7,500/- to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of the Order on the official website of Bombay High Court, we are inclined to allow the Petition.

5) Subject to payment of cost, Application is allowed in terms of prayer clause (a).

6) It is made clear that, if the said cost is not paid within stipulated period as mentioned above, in that event, the Order dated 19th June, 2024, shall stand revived automatically.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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