

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 102 OF 2015

IN

CRIMINAL MISC. APPLICATION NO. 251 OF 2014

NAWAZ EARTH MOVER AND TRANSPORT
CONTRACTOR PROPRIETOR MR. RIAZ
SHAIKH AND ANR.,

... Applicants

Versus

M/S. K.G.N. ORE CARRIER REP. BY
THE PARTNER MR. ABDUL KARIM NOOR
MOHAMMED AND ANR.,

... Respondents

Mr. Joaquim Godinho, Advocate for the applicant.
Mr. Hanumant D. Naik, Advocate for the respondents.

Coram:- C. V. BHADANG, J.

Date:- 7th July, 2015

P.C.

This is an application for recall of the order dated 7 November 2014, passed in Criminal Misc. Application No.211 of 2014 in Stamp (application) No.2370 of 2014. By the said order, the application for condonation of delay filed by the respondent No1. M/s. K.G.N. Ore Carrier, has been allowed thereby condoning the delay in filing an application for leave to appeal against acquittal.

2. It is contended on behalf of the applicant that although the applicant had put in his appearance through his advocate Mr. Godinho, the daily board of the Court on 7 November 2014 did not show his appearance. As a result of which the Court had found that there was no appearance on behalf of the present applicant. It is submitted that the Court had found that the contentions of the

respondent had gone un-controverted. It is also submitted that even otherwise the reason shown is not sufficient in as much as the same would not make out a sufficient cause for condoning the delay. It is therefore prayed that the order dated 7 November 2014 be recalled.

3. On the contrary, it is submitted by the learned counsel for the respondent that the delay was only of 84 days and the concerned officer of the respondent was prevented on account of some business engagement from taking steps for filing the application for leave to appeal against the acquittal.

4. On hearing the learned counsel for the parties, I find that the order dated 7 November 2014 need to be recalled as the appearance of the applicant was not shown. Accordingly, the said order is recalled and Criminal Misc. Application No.211 of 2014 is restored to file.

C. V. BHADANG, J.

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