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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 128 OF 2014
IN
CRIMINAL APPLICATION NO.616 OF 2013
IN
CRIMINAL APPLICATION NO.1512 OF 2010

Sandeep Zumberlal PokharnaApplicant
versus
The State of Maharashtra and anr.Respondents

Mr. M. S. Mohite i/b. Mr. Sachin Chavan, advocate for the applicant.
Mrs. M. M. Deshmukh, APP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 6th APRIL, 2015.

P.C.:

Heard learned counsel for the applicant.

2. This application is filed for restoration of criminal application No. 616 of 2013. The said application was placed before the Division Bench on 2nd December, 2013. However, none appeared for the applicant and, therefore, the same was dismissed for non-prosecution. The applicant has given circumstances, under which, he or his lawyer could not appear on the date when the matter was called out. The explanation for not appearing on 2nd December, 2014 is satisfactory. However, there is no explanation for delay occurred in filing of the instant application. In these circumstances and in the

interests of justice, we are inclined to allow the civil application, however, subject to payment of some cost. The civil application is, accordingly, allowed in terms of prayer clauses (a) and (b), subject to payment of cost of Rs.20,000/- by the applicant to Tata Memorial Hospital, Mumbai for the use of its philanthropic purposes. The applicant shall pay the said cost and produce the receipt thereof on the file of this Court within a period of two weeks from today.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)