

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 192 OF 2013
IN
WRIT PETITION NO.358 OF 2013**

Mr. Baban Gajabhau Mutke	Applicant.
Versus	
The State of Maharashtra & Ors.	...Respondents.

Mr. Akhilesh Singh, advocate for the applicant.
Mr. F.R.Shaikh, APP the respondent-State.

**CORAM : RANJIT MORE AND
ANUJA PRABHUDESAI, JJ.
DATED : January 5, 2015**

P.C.:

This application is taken out for restoration of Criminal Writ Petition No.358 of 2013 by condoning the delay of 14 days occurred in filing this application.

2 On 6.2.2013 , following order was passed in the above writ petition:

“Time of three weeks is granted to remove office objections, failing which the petition shall stand dismissed for non-prosecution without further

reference to the Court."

Since this order was not complied with, Writ Petition No.358 of 2013 was dismissed for non-prosecution.

3 The learned counsel for the applicant invites my attention to Ex.'B' (Page 6 of Application) and submits that copies of the Writ Petition No.358 of 2013 were in fact served upon the Public Prosecutor on 20.2.2013 itself. Perusal of Ex.'B' shows that there is acknowledgement dated 22.2.2013 from Public Prosecutor's office. Delay of 14 days occurred in filing this application has been satisfactorily explained .

4 In the above circumstances, criminal application is allowed. Writ Petition No.358 of 2013 is restored to the file. The learned counsel for the applicant is directed to serve copy of this petition on the Public Prosecutor within a period of two weeks from today.

5 Criminal application stands disposed of.

(RANJIT MORE, J.)

(ANUJA PRABHUDESAI, J.)