

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 22 OF 2016
in
CRIMINAL WRIT PETITION NO. 4268 OF 2016

Dilip Vithal Borase & Anr.	...	Petitioners
vs.		
Sou. Manisha Dyaneshwar Borase & Anr....		Respondents

Mr. Yogesh Dabke, Advocate for the petitioner.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 24th June, 2016.

P.C.

This is an application seeking restoration of the matter, which was dismissed for want of prosecution on 11.1.2016.

2. The learned counsel for the petitioners submits that the counsel was ill and was suffering from Asthma since 12.12.2013 and the treatment is going on. Hence, he could not remain present. In fact, ever since the matter was filed, the learned counsel has never appeared in the matter and therefore, on 11.1.2016, the matter was rightly posted for dismissal. On that day also, the learned counsel did not remain present. hence, this Court

had rightly dismissed the matter for want of prosecution.

3. Taking into consideration the personal difficulty of the Advocate appearing for the petitioners, the matter needs to be restored to its original status on depositing cost of Rs.1,000/- to be paid in this Court within one week from today.

4. It is made clear that the restoration of the petition or the pendency of this petition shall not be construed as a stay to the proceedings in D.V.No.107 of 2014, pending before the Judicial magistrate, First Class, Kalyan. It is also made clear that execution and implementation of the judgment and order dated 10.11.2014 passed by the Sessions Judge in Criminal Appeal No.29 of 2015 has not been stayed by this Court.

5. Office to communicate this order to the concerned Courts forthwith.

Application seeking restoration is allowed and stands disposed of.

(SMT.SADHANA S.JADHAV, J.)