

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 121 OF 2016
IN
CRIMINAL WRIT PETITION NO. 1606 OF 2001
with
CRIMINAL APPLICATION NO. 122 of 2016
in
CRIMINAL WRIT PETITION NO. 1604 OF 2001

Shri Vijaykumar Motilal Sancheti ... Petitioner
vs.
Shri Kishanlal Hariram Shroff
(since deceased through its legal heir)
Mrs. Rukmini Kisanlal Shroff & Ors. ... Respondents

Mr. Rojan Pawar h/f Mr. S.S.Kulkarni, Advocate for the petitioner.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 10th June, 2016.

P.C.

These are the applications seeking restoration of Writ Petition No.1606 of 2001 and 1604 of 2001 which were dismissed for non-prosecution vide order dated 10.3.2016. The Writ Petitions were enlisted for final hearing and none appeared for the petitioner. Earlier on 30.7.2013, the petitions were dismissed for want of prosecution. However, on 6.2.2014, the petitions were restored. Thereafter, the petitions were made returnable on 28.7.2014 and thereafter none appeared for the petitioner on several dates. This Court was constrained to dismiss the

Petitions for want of prosecution. Prior to that also the Petition was dismissed for want of prosecution on 8.12.2009. The petition was restored to its original status by an order dated 9.2.2010. Thereafter, none appeared for the petitioner neither the matter was circulated. None appeared for the petitioner on 14.6.2013. The matter was enlisted before the Court on 12.7.2013. On 12.7.2013, it was informed to the Court that the original complainant has expired on 14.7.2011 and the death certificate was placed on record. The Hon'ble Court had appreciated the submission of the learned counsel for the petitioner as there is no communication from the respondent No.1 or his legal representative. The matter was adjourned to 23.7.2013. A statement is made that there is no communication between the complainant and his Advocate. On 30.7.2013, the Hon'ble Court had observed that the learned counsel for the petitioner is not ready to argue the matter inspite of the matter being old in its character and nature. The Court observed "Considering the controversy involved and the subsequent development, I do not desire to continue with the matters. Consequently, writ petitions are dismissed for non-prosecution."

2. This Court (Coram: Smt. Sadhana S. Jadhav, J.) by an order dated 6.2.2014 had restored the matters to their original status. It is

observed that none appeared for the petitioner thereafter. The wife of the respondent was arraigned as a respondent. Notice was issued to the added respondent by an order dated 23.6.2014. Thereafter the matter has not been prosecuted. On 11.2.2016, none appeared for the petitioner and the matter was adjourned to 12.2.2016. The matter was adjourned on that day also. Finally, on 10.3.2016, this Court (Coram: A.S.Gadkari, J.) was pleased to observe that none appeared for the petitioner on 11.2.2016 and 18.2.2016 and hence the matter was dismissed for want of prosecution. This is an application seeking restoration.

3. It is pertinent to note that the Criminal Case is registered as C.C. No.86 of 1989.

4. In view of the above circumstances, the applications seeking restoration of the Writ Petitions deserve to be dismissed.

5. Office to communicate the order to the concerned Court forthwith.

(SMT.SADHANA S.JADHAV, J.)