

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 151 OF 2016
IN
CRIMINAL WRIT PETITION NO. 92 OF 2014

Mr. Mukund L. Shah	...	Petitioner
vs.		
Employees' State Insurance Corporation & Anr.	...	Respondents

Mr. P.V.Dube, Advocate for the petitioner.
Mr. H.V.Mehta h/f Mr. P.H.Palshikar for the respondent
Ms.A.T.Jhaveri, APP, for the State.

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

P.C.

This is an application seeking restoration of the Writ Petition which was initially dismissed for non-removal of office objections. It was restored on 14.11.2014.

2. On 12.12.2014, this Court (Coram: A.M.Thipsay, J.) had stayed further proceedings in CC No.163 of 2004. On 2.9.2015, the learned counsel had requested that the petition be heard along with Criminal Writ Petition No. 93 of 2014 and therefore the matter was adjourned and interim relief was directed to be continued. On 14.10.2015,

none appeared for the petitioner and therefore this Court (Coram: Smt. Sadhana S. Jadhav, J.) had adjourned the matter when the interim relief was vacated and the learned Court was directed to proceed with the proceedings. This Court presumes that without considering the pendency of the petition to be a deemed stay, the learned Magistrate has proceeded with the matter. On 22.2.2016, none appeared for the petitioner and hence the Court (Coram: Dr. Shalini Phansalkar Joshi, J.) had observed that none appeared for the petitioner and therefore a last chance was given to the petitioner. It was also made clear that on the next date if none appears for the petitioner, it will be dismissed for default and the matter was enlisted under the caption "for dismissal". On 2.3.2016, none appeared for the petitioner. This Court had dismissed the petition. No reason is made out for restoring the Writ Petition. Hence, the order dated 2.3.2016 is not recalled. The application seeking restoration is rejected.

(SMT.SADHANA S.JADHAV, J.)