

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 152 OF 2016
in
CRIMINAL WRIT PETITION NO. 93 OF 2014

Mr. Mukund L. Shah	...	Applicant
vs.		
ESI Corporation & Anr.	...	Respondents

None for the applicant.

Mr.V.B.Konde-Deshmukh, APP for the State.

CORAM: SMT. SADHANA S.JADHAV, J.

DATE : 24th June, 2016.

P.C.

None present for the applicant.

2. By this application, the applicant is seeking restoration of the matter, which was dismissed for want of prosecution on 2.3.2016. This Court (Coram: Dr. Shalini Phansalkar-Joshi, J.) has specifically;ly observed that on the last date the counsel and the applicant himself were absent. The matter was called out on two occasions but no one remained present and therefore, the Court was constrained to dismiss the petition for want of prosecution. Upon seeing the Roznama of the main petition, it appears that on 5.2.2014, this Court (Coram: Smt. Sadhana S. Jadhav, J.) had directed the learned counsel to file typed legible copies of the annexures within one week. The typed legible copies were not supplied till 12.2.2014. The

matter was dismissed for want of prosecution since the objections were not removed in the stipulated time. On 14.11.2015, the delay was condoned and the petition was restored to its original status. Thereafter, the matter has only been adjourned on 12.12.2014. This Court (Coram: A.M.Thipsay, J.) had stayed the further proceedings before the Magistrate. Since then none appeared. On 22.2.2016, none appeared for the petitioner and by way of last chance to give fair opportunity, the matter was adjourned and finally on 2.3.2016, the matter was dismissed for want of prosecution.

3. Today also none appears. Hence, the application seeking restoration is dismissed for want of prosecution. Needless to say that the main petition stands dismissed and the interim relief granted vide order dated 12.12.2014 stands vacated.

4. The learned Judicial Magistrate, First Class, Pune, seized with Criminal Case No.163 of 2004 shall proceed with the matter forthwith.

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

(SMT.SADHANA S.JADHAV, J.)