

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.428 OF 2015
IN
CRIMINAL APPLICATION NO.9 OF 2015
IN
CRIMINAL WRIT PETITION NO.1426 OF 2010

Ashok Anandrao Bhandare Applicant
Versus
Netradip Shankarrao Sarnobat & Ors. Respondents

Mr. Harshad V. Shingnapurkar, i/by Mr. Amit Borkar, for the Applicant.

Mr. A.R. Patil, A.P.P., for Respondent No.11-State.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 26TH FEBRUARY 2016.

P.C. :

1. This is an application to recall the order dated 31st August 2015 passed by this Court dismissing Criminal Application No.9 of 2015 filed for restoration of Criminal Writ Petition No.1426 of 2010, which was also dismissed for default on 13th December 2010.

2. Even the cursory perusal to the averments made in the application makes it clear that no sufficient cause is made out at all for either the

Applicant or his counsel remaining absent when the Criminal Application No.9 of 2015 for restoration was called out for hearing. The usual ground that the Advocate was busy in another Court is put up. Even if that is the excuse, there is no reason as to why the Applicant himself did not remain present to bring this fact to the notice of this Court.

3. It appears that the matter is being dragged from the year 2010 on one count or the other. Initially, the Writ Petition came to be dismissed for default and thereafter the restoration application of the same is also dismissed for default, that too without their being any cause made out for the absence of the Applicant for the same.

4. Therefore, this Criminal Application is without merit; hence, stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]