

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPP) NO.5 OF 2016

AND

CRIMINAL APPLICATION (APPP) NO.4 OF 2016

IN

CRIMINAL APPLICATION (APL) NO.684 OF 2015

Sheikh Mohd. Mohsin Jamal and anr

..vs..

The State of Mah., thr Police Station Officer, Gittikhadan, Nagpur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri V.P. Maldhure, Addl.P.P. for the State.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.**

DATED : MARCH 4, 2016.

Heard.

Both the applications are taken up together
with consent of the parties.

Criminal Application (APL) No.684 of 2015
filed by the applicants was dismissed for want of
prosecution on 23.11.2015.

Learned counsel for the applicants Shri
Borkute submits that learned counsel then representing
the applicants is bedridden and, therefore, could not
attend the matter. He further submits that the fact of
dismissal was learnt late. There is delay of about 12
days in moving the application for restoration.

Learned Addl.P.P. is seeking time to verify the facts.

However, ill-health of Shri Khan, Adv. is not in dispute.

In this situation, as we do not see any *mala fide*, we condone the delay. Accordingly, Criminal Application No.5 of 2016 is allowed. For the very same reasons, Criminal Application No.4 of 2016 is also allowed and order dated 23.11.2015 is recalled.

Criminal Application (APL) no.684 of 2015 is restored back to file.

JUDGE

JUDGE

!! BRW !!

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