

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

CRIMINAL APPLICATION (APPP) NO.68 OF 2016
IN CRIMINAL APPLICATION (APPR) NO. 78 OF 2015
IN CRIMINAL REVISION APPLICATION NO.97 OF 2006

(Shrikant s/o Chintaman Mahajan vs. Bhandara Zilla Dugdha Utpadak Sahakari Sangh, Bhandara)

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

Shri Tapadia, Advocate h/f Shri R.M. Bhangde, Advocate
for applicant.

Shri A.R. Patil, Advocate for respondent.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 15, 2016

CRIMINAL APPLICATION NO.68 OF 2016

Heard learned Counsel for both sides.

This application is for condonation of delay
of 39 days caused in filing application for restoration of
Criminal Revision Application No.97/2006, which came
to be dismissed by this Court vide order dated 4/2/2015.

For the reasons mentioned in the application,
delay caused is condoned. The application is allowed.

CRIMINAL APPLICATION NO.78 OF 2015

Heard learned Counsel for both sides.

This application is for restoration of Criminal
Revision Application No.97/2006, which was dismissed
for default by order dated 4/2/2015 finding that though
the matter was listed for final hearing by consent on that

date, none appeared for the parties.

It is the case of applicant that inadvertently he could not maintain the date on which the revision was listed for hearing and failed to contact his Lawyer and as such, neither he nor his Advocate was present on 4/2/2015 and, therefore, criminal revision application was dismissed for want of prosecution.

Having considered the facts as aforesaid, it is to be noted that if the matter is directed to be restored, at the most the same can be decided on merits instead of it being rejected on mere technicality. In the circumstances, the application is allowed. Criminal Revision Application No.97/2006 be restored.

The matter be shown in the final hearing board.

JUDGE

khj