

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

CRIMINAL APPLICATION (APPP) NO. 1333/2016
IN CRIMINAL APPLICATION (APPP) NO. 1332/2016.

Shri Pandharinath Rajaram Tambatkar and others.

-VERSUS-

The State of Maharashtra and others.

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

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.

DATE : NOVEMBER 28, 2016.

Shri S.K. Mishra, learned counsel for the applicants, Shri J. Y. Ghurde, learned A.P.P. for non-applicant no.1 and Shri I.G. Meshram, learned Counsel for non-applicant no.2.

2. Applicants seek condonation of delay of 151 days in moving application for restoration of Criminal Application No.62/2016. We have heard, learned counsel for the parties.

3. The request is being strongly opposed by

2

the learned counsel for the non-applicants. However, after hearing, we find that the applicants cannot be blamed for dismissal of the matter and it came to be dismissed for non removal of the office objections. The error is at the most is of office of the learned counsel representing them.

4. In Criminal Application No. 62/2016, notice was issued on 01.02.2016. Ad-interim relief was also granted.

5. In this situation, as we do not see any fault on the part of the applicants, we condone the delay and also recall the order dated 11.04.2016 dismissing the matter in default.

6. Criminal Application No.62/2016 is accordingly restored to file, subject to payment of costs of Rs. 1000/- by the applicants to non-applicant nos. 2 to 6. Costs be paid within a period of one week from today.

7. The officer objections be removed within a period of two weeks from today. If the office objections are not removed, the matter shall again stand dismissed in default with costs of Rs. 3000/- payable to respondent no.1 as also other respondents.

8. Criminal Application Nos. 1333 and 1332
of 2016 are disposed of accordingly.

JUDGE

JUDGE

Rgd.