

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

CRIMINAL APPLICATION (APPP) No. 1249/2015
IN CRIMINAL APPLICATION (APPW) NO.162/2015
IN CRIMINAL WRIT PETITION No. 318/2013.

Rashid Khan Pathan

-VERSUS-

1.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
& V.M.DESHPANDE, JJ.**

DATE : FEBRUARY 11, 2016.

Heard Shri S.R. Narnaware, learned
Counsel for the applicant and Shri V.A. Thakare,
learned A.P.P. for respondent nos. 1 to 3.

2. Prayer is to condone delay of two years
and twenty days in moving application for restoration
of Criminal Writ Petition No. 318/2013, which came to
be dismissed in default on 04.09.2013, as objections
were not removed.

3. The applicant has stated that he was bed
ridden from 10.07.2013 till 21.10.2015, and therefore
could not contact his counsel, and could not give

2

correct address of respondent no.4.

4. This Court has issued notice on present application on 27.11.2015. Learned A.P.P. waived notice for respondent nos. 1 to 3 on that day itself. Respondent nos. 1 to 3 have not filed any reply affidavit disputing the assertions on affidavit.

5. Though respondent no.4 is served, he has chosen not to appear. This Court has on 28.01.2016 granted him opportunity to appear and contest. Thereafter the matter has been listed today.

6. In this situation as we do not see any malafides, we condone the delay. Office to register Criminal Application No. 162/2015 and list the same before the Court. Criminal Application No.1249/2015 is accordingly allowed and disposed of. No costs.

JUDGE

JUDGE

Rgd.