

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.109 OF 2016
IN
CRIMINAL APPLICATION NO.273 OF 2014
IN
CRIMINAL APPEAL NO. OF 2014**

Ramchandra Gunaji Jadhav .. Applicant

Vs.

Suryakant Balkrishna Vichare & Ors. .. Respondents

.....
Mr.Santosh S. Musale, Advocate for the Applicant.
Mr.S.R. Agarkar, APP for Respondent – State.
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CORAM : SMT.ANUJA PRABHUDESSAI, J.

DATED : DECEMBER 04, 2017.

P.C. :

By this application, the applicant has sought to recall order dated 8th October, 2015, whereby this Court had dismissed the application to condone the delay in filing the restoration application.

2 Heard learned counsel for applicant. I have perused the record. The applicant herein had filed an application for leave to appeal. By order dated 25th August, 2014, this Court had directed the applicant to furnish spare copies within two weeks

from the date of the order. The applicant was put to notice that if spare copies were not furnished within two weeks, the matter would stand dismissed for want of prosecution. Since the applicant had not furnished the copies, the application was dismissed for non-prosecution.

3 The applicant had filed an application for restoration along with an application for condoning the delay of 11 months and 20 days in filing the restoration application. The only ground raised in the said application was that the application for restoration could not be filed in time and that the spare copies could not be filed in stipulated time due to inadvertent act of the advocate. The said application for condonation of delay was dismissed by this Court by order dated 8th October, 2015.

4 Learned counsel for the applicant has submitted that the order dated 25th August, 2014 proceeded on a premise that the applicant had not furnished copies within the stipulated time. He further stated that copies were already furnished in the department. The applicant has sought to recall the order whereby the application for condonation of delay was dismissed in view of the fact that the applicant had failed to make out sufficient

ground. The applicant has not assigned any reasons for recalling the said order but has urged that he had already complied with the order dated 25th August, 2014, and, hence, the application could not be dismissed. Needless to state that the said statement is not borne from the records. As stated earlier, such a ground was not raised in the previous application. Furthermore, the learned counsel for the applicant was unable to specify the date on which the copies were furnished in the department and there is nothing on record to show that the applicant had infact complied with order dated 25th August, 2014.

5 In the light of the above, no grounds are made out for recall of order dated 8th October, 2015. Hence, the application is dismissed.

(SMT.ANUJA PRABHUDESSAI, J.)