

BDPPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.225 OF 2016**

Mr. Pravin P. Wategaonkar

....Applicant
(Orig. Petitioner)

V/s

The State of Maharashtra & Others

....Respondents.

Mr. Pravin P. Wategaonkar, Applicant/Petitioner in person present.

Mr. J.P. Yagnik, APP for the State.

Mr. Kunal Waghmare for Respondent No.3.

**CORAM: V.M. KANADE &
REVATI MOHITE DERE, JJ.**

DATE: 24th February, 2017

P.C.:-

1] Heard the Applicant/original Petitioner, who is appearing in person and the learned APP for the State.

2] It is submitted by the Applicant that the Criminal PIL was scheduled to appear on board on 19/12/2014. However, it appeared on Board on 16/12/2014. Applicant was not aware that the matter had appeared on Board and therefore could not remain present. He submitted that this Court, after accepting the submissions made by the learned Public Prosecutor dismissed the Criminal PIL, reserving the right of the Applicant to pursue other remedy which is available to

him.

3] We have perused the said order dated 16/12/2014. From the column of appearances, it does appear that the Applicant was not present.

4] According to the Applicant, the matter was to appear on board on 19/12/2014 and had appeared on Board on 16/12/2014, and it was dismissed in his absence.

5] We are of the view that the Order dated 16/12/2014 needs to be recalled since it was passed in the absence of the Applicant/original Petitioner. We, therefore, recall the said order dated 16/12/2014. Criminal PIL is restored to the file and to appear before the regular Court.

6] Criminal Application is accordingly disposed of.

(REVATI MOHITE DERE, J.)

(V. M. KANADE, J.)