

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

**CRIMINAL APPLICATION NO.295 OF 2017  
IN  
CRIMINAL APPLICATION NO.232 OF 2016**

Mukesh Popatlal Gada .. Applicant  
V/s.  
The State of Maharashtra .. Respondent

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Mr.Subhash Jha i/b Law Global Advocates for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent-State.

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**CORAM : SMT. SADHANA S. JADHAV, J.**

**DATE : 04<sup>th</sup> MAY 2017.**

**P.C.**

1. This is an application seeking restoration of the matter which was dismissed for want of prosecution by way of conditional order passed by Hon'ble Smt.R.P. Sondurbaldota, J., on 20<sup>th</sup> February 2017. That by an order dated 06<sup>th</sup> December 2016 this Court (Coram : Sadhana S. Jadhav,J) the Court had observed that the prosecution has not complied with the order dated 20<sup>th</sup> July 2016 directing them to file affidavit and therefore the Court was pleased to give direction that the Trial Court shall not proceed till 12<sup>th</sup> January 2017.

2. It appears that after 12<sup>th</sup> January 2017 the interim relief was not extended. The learned counsel had appeared before the Court on 18 January 2017 as well as 20<sup>th</sup> February 2017 but had not demonstrated that further proceedings has been stayed. Hence, the matter was dismissed for want of prosecution. Learned counsel submits that on 23<sup>rd</sup> March 2017 the learned counsel had circulated the matter when he learnt for the first time that the matter was dismissed for want of prosecution and therefore this is an application seeking restoration of the matter. For the reasons assigned in the application, the application deserves to be allowed in terms of prayer clause (a) and (b) on the condition that the petitioner deposits cost of Rs.5,000/- on or before 08<sup>th</sup> May 2017. The application is disposed of.

3. Stand over to 21<sup>st</sup> June 2017.

**(SMT. SADHANA S. JADHAV, J.)**