

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.230 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.253 OF 2002

FARID SAUDAGAR)...APPLICANT

V/s.

THE INSPECTOR OF POLICE, CBI, & ANR.)...RESPONDENTS

Mr.Niranjan Mundargi i/b. Mr.Karishma K., Advocate for the Applicant.

Mr.Y.M.Nakhwa, Advocate for Respondent No.1 – CBI.

Ms.A.A.Takalkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 10th APRIL 2017

P.C. :

1 This is an application for restoration of Criminal Revision Application No.253 of 2002 which came to be dismissed in default on 31st March 2016 by this court due to non-appearance of the learned advocate for the revision petitioner. The applicant also sought for condonation of delay in preferring the criminal revision petition.

2 Heard both sides. The learned advocate appearing for the respondent – CBI has opposed the application by contending that there was no sufficient cause for non-appearance before the court when the matter was called out and similarly no sufficient cause is made out for condoning the delay.

3 The application is on affidavit. There is no reason to disbelieve the duly sworn testimony of the applicant / revision petitioner / accused which is not countered. Hence, for the stated reasons, delay occasioned in filing an application for restoration is condoned and application for restoration of Criminal Revision Application No.253 of 2002 is allowed. Criminal Revision Application No.253 of 2002 is restored to file.

The application is accordingly disposed of.

(A. M. BADAR, J.)