

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1090 of 2016
IN
CRIMINAL APPEAL NO.607 of 2015

M/s.M.B.Builders	...	Applicant
V/s.		
Mr.Ashok R. Sakpal & Anr.	...	Respondents

.....
Mr.P.V.Desi, Advocate for the Applicant.
None for Respondent No.1.
Ms.V.S.Mhaispurkar, APP for the Respondent/State.

CORAM : A.M.BADAR J.

DATED : 3rd MARCH 2017.

P.C. :

1 This is an application for condonation of delay and
restoration of Criminal Appeal No.607 of 2015 on the file of this
Court.

2 Heard the learned Advocate appearing for the
applicant/appellant. He argued that in fact, all office objections
are already removed, except the one regarding the non-payment of
the requisite Court fee. The learned Advocate submits that on
restoration he will pay the requisite Court fees within a period of
two weeks.

3 None for respondent No.1 though served. The learned Additional Public Prosecutor appeared for the Respondent No.2/State.

4 Perused the averments made in the application, as well as, the order dated 09/06/2016 due to which the appeal came to be dismissed for want of prosecution.

5 The delay is properly explained and the same appears to be *bona fide*. The appeal came to be dismissed due to non-removal of office objection. That part is being complied by the applicant/appellant.

6 In this view of the matter, the following order :

- (i) The order dated 9th June 2016 is recalled and by condoning delay in filing the application for restoration, the application for restoration of Criminal Appeal is allowed on the condition that the applicant/appellant to remove office objection within a period of two weeks from today.

(A.M.BADAR J.)