

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1610 OF 2017

IN

CRIMINAL APPLICATION NO.1327 OF 2016

IN

CRIMINAL APPEAL NO.840 OF 2004

SHRIPAL MARUTI KAMBLE AND ANOTHER)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Ranjeeth Patil, Advocate for the Applicants.

Mr.Y.M.Nakhwa, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 18th DECEMBER 2017

P.C. :

1 This is an application for restoration of Criminal Application bearing No.1327 of 2016 which was dismissed for want of prosecution on 15th March 2017. The prayer is also made to condone the delay in preferring the instant application for restoration.

2 Heard the learned advocate appearing for the applicant/accused as well as the learned APP appearing for the State.

3 By order dated 23rd December 2016 passed in Criminal Application No.1327 of 2016 this court had directed the present applicant/accused to add necessary party by effecting amendment within a period of three weeks. The notice was also ordered to be issued to the newly added party. It is seen that this order was not complied, and therefore, vide order dated 15th March 2017, time of two weeks was granted for removing this office objection with a further direction that if compliance is not done, then the application shall stand dismissed without further reference to the court.

4 The learned advocate for the applicant/accused submitted that he is willing to comply the order dated 23rd December 2016 within a period of two weeks from today, and therefore, the application be restored. He has stated that the mistake was inadvertent and the was bonafide.

5 The learned APP opposed the application.

6 For the stated reasons, the delay in filing the
application for restoration is condoned and the Criminal
Application No.1327 of 2016 is restored to file.

7 The applicant/accused to remove office objections by
complying the order dated 23rd December 2016 within a period of
two weeks from today.

(A. M. BADAR, J.)