

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPP) NO.8 OF 2016
IN
CRIMINAL APPLICATION (APPP) NO.7 OF 2016
IN
CRIMINAL APPLICATION (APPR) NO.157 OF 2014
IN
CRIMINAL REVISION APPLICATION NO..... OF 2014

Manoj Ramesh Khode
..vs..
Sau. Jyoti Manoj Khode and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri J.B. Gandhi, Counsel for the applicant.

CORAM : V.M. DESHPANDE, J.
DATED : JUNE 27, 2017.

1. This is an application for condonation of delay in filing application for restoration of criminal application dismissed in default for non-compliance of order.

2. Heard learned counsel Shri J.B. Gandhi for the applicant.

3. Initially, Criminal Application No.157 of 2014 was filed by the present applicant. The said application was for condonation of delay in filing criminal revision application. Delay was 1 year and 272 days.

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This Court on 23.6.2015 passed an order whereby notice was issued on the said application for condonation of delay subject to applicant depositing amount of Rs.2,000/- payable to the non-applicants within a period of 4 weeks. It was expected from the applicant to deposit the said amount within a period of 4 weeks for issuing notice. However, the applicant flouted the said order and did not deposit the said amount of Rs.2,000/- within a period of 4 weeks.

Consequently, by efflux of time, in view of order dated 23.6.2015, Criminal Application No.157 of 2014 was dismissed.

4. Now, the present application is moved on 21.12.2015 by which the applicant is seeking condonation of delay of 137 days in filing an application for restoration of his original application.

5. Learned counsel Shri J.B. Gandhi for the applicant submits that the applicant being a Class-IV Employee was unable to deposit amount of Rs.2,000/- within a stipulated time. He submits that now the applicant has arranged the amount.

6. In that view of the matter, the application for condonation of delay in moving application for restoration of original application is allowed. Also, the application for restoration is allowed.

7. It is to be noted that in spite of service to the non-applicants on these applications, none appeared today on their behalf.

8. Consequently, both these applications are allowed with a costs of Rs.1,000/- together with earlier costs which were ordered by this Court in the year 2015. Thus, if the applicant deposits total amount of Rs.3,000/- within a period of 10 days, original application stands restored to file.

Both applications are disposed of.

JUDGE

!! BRW !!

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