

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**  
**CRIMINAL APPLICATION ( APPP ) NO. 1369 OF 2017**  
**AND**  
**CRIMINAL APPLICATION ( APPP ) NO. 1368 OF 2017**  
**IN**  
**CRIMINAL APPLICATION ( APL ) NO. 45 OF 2015**  
( Namdeo Dadarao Takle and others..vs..The State of Maharashtra,  
through PSO.PS.Pusad(City)District-Yavatmal and others )

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

Court's or Judge's orders.

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Shri R.S.Kurekar, Advocate for applicants.  
Shri T.A.Mirza, A.P.P. for State-non-applicant no.1.  
Shri Harshavardhan Dhumale, Advocate for non-  
applicant no.2.  
Shri G.M.Kubade, Advocate for non-applicant no.3.

**CORAM : V.M. DESHPANDE, J.**  
**DATED : SEPTEMBER 29, 2017**

These applications are application for condonation of delay and application for restoration of the Criminal Application No.45/2015 which was dismissed in default by this Court on 15/6/2017.

The learned counsel for applicants has filed his own affidavit pointing out the reasons. The learned counsel for non-applicant no.3 has strongly opposed the applications on the ground that due to the stay granted by this Court in 2015, the trial is stayed. Except this, no other objection is raised.

The Court is at loss to understand that the stay was granted on 3/2/2015 and at no point of time

application was made by the non-applicants for vacation of the stay.

The reasons given by the applicants in the application for restoration are appear to be genuine and in fact they are not factually denied by the complainant. Further, the application is sworn by the learned counsel for the applicants himself.

In that view of the matter, both the applications are allowed.

The Criminal Application No.45/2015 stands restored alongwith all interim orders.

The applications are disposed of.

**JUDGE**