

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO. 182 OF 2017  
IN  
CRIMINAL APPLICATION NO.1084 OF 2011**

**Dadabhau Nikoba Kale & Ors**

**..Applicants**

**Vs.**

**The State of Maharashtra & Anr**

**..Respondents**

**Mr. Sushil Nimbkar for the Applicants**

**Mr. C. G. Patil for the Respondent No.2**

**Mrs. A. S. Pai Additional PP for the Respondent State**

**CORAM :R. M. SAVANT, &  
SANDEEP K SHINDE,JJ**

**DATE : 22<sup>nd</sup> JANUARY, 2018**

**P.C.**

1           The above Criminal Application has been filed for restoration of the above Application which has stood dismissed for non prosecution on account of the non appearance of the Learned Advocate for the Applicant on 1-9-2016. The reasons for the non appearance of the Advocate are mentioned in the above Criminal Application. The Learned Counsel for the Respondent No.2 Mr. Chetan Patil opposes the above Criminal Application but ultimately leaves it to this Court. The above Criminal Application No.1084 of 2011 was pending hearing and final disposal when it stood dismissed for non prosecution. In our view, one final indulgence is required to be shown to the Applicant. The above Criminal Application is accordingly allowed, resultantly the above Criminal Application No.1084 of 2011 is restored to file.

2           The Applicant to deposit costs of Rs.1000/- with the Kirtikar Law Library, High Court, Bombay within a period of 4 week from date. List the above Criminal Application No.1084 of 2011 for final hearing in the week commencing on 26-2-2018.

3           We are informed that the charge sheet has already been filed on 23-3-2017. Since there was interim relief operating in the above Criminal Application No.1084 of 2011, we deem it appropriate to stay the further proceedings in the case in question until hearing of the above Criminal Application No.1084 of 2011.

4           The Criminal Application No.182 of 2017 is accordingly disposed of.

**[SANDEEP K. SHINDE, J]**

**[R.M.SAVANT, J]**