

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.279 OF 2018**

**IN**

**CRIMINAL APPLICATION NO.255 OF 2015**

**(For Leave to Appeal - Private)**

The Bombay Mercantile Co-op. Bank ... **Applicant**

V/s.

Yogesh P. Modani & Anr. ... **Respondents**

.....

Mr.Puja J. Acharekar, Advocate for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent No.2/State.

....

**CORAM : A.M.BADAR J.**

**DATED : 29<sup>th</sup> JUNE 2018.**

**P.C. :**

1 This is an application for restoration of application for leave to appeal bearing Criminal Application No.255 of 2015, which came to be dismissed for want of prosecution by this Court on 28<sup>th</sup> February 2018.

2 The respondent No.1, who is original accused before the trial Court was not served, when the Criminal Application bearing No.255 of 2015 came to be dismissed for want of

prosecution on 28<sup>th</sup> February 2018. Therefore, no notice is required to be issued to him in the instant application.

3            Heard the learned Advocate appearing for the applicant and perused the Memo of Application which is on affirmation. The learned Additional Public Prosecutor appears for the respondent/State.

4            For the reasons stated in the instant application, the Criminal Application for leave to appeal bearing No.255 of 2015 is restored to the file by recalling the Order dated 28<sup>th</sup> February 2018 dismissing it for want of prosecution, by condoning the delay in preferring the application.

5            The application is accordingly disposed of.

**(A.M.BADAR J.)**