

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.387 OF 2018

IN

CRIMINAL APPLICATION NO.261 OF 2017

Mr.Vasudev Dayaram Navani ... **Applicant**
V/s.

Mr.Parashar Laxmidas Thakkar @
Pach @ Topi @ Ors. ... **Respondents**

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Mr. Anil G. Lalla with Ms. Beerta H. Bajwa and Ms. Aanchul Lalla,
Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 24th JULY 2018.

P.C. :

1 Leave to amend prayer clause forthwith is granted.

2 This is an application for restoration of Criminal
Application bearing No.261 of 2017 whereby the
applicant/original complainant had sought condonation of delay
in filing an application for leave to appeal.

3 Heard the learned Advocate appearing for the
applicant. She submitted that application for condonation of delay

came to be rejected for want of prosecution on 23rd March 2018 even without issuing notice to respondents therein and, therefore, now there is no need to issue notice to respondents for getting that application restored. She submitted that the applicant was unaware about listing of the matter on board on 23rd March 2018.

4 I also heard the learned Additional Public Prosecutor.

5 The application is on affidavit. Reason stated is that the learned Advocate appearing for the applicant was unaware about the listing of the matter. It is seen that on the very first date of hearing, the application came to be rejected for want of prosecution vide Order dated 23rd March 2018.

6 In this view of the matter, the following Order :

ORDER

- (i) The Order dated 23rd March 2018 dismissing the Criminal Application No.261 of 2017 for want of prosecution is recalled.
- (ii) That application is restored to the file.
- (iii) The instant application is accordingly disposed of.

(A.M.BADAR J.)

Raju
Dattatraya
Gaikwad

Digitally signed by
Raju Dattatraya
Gaikwad
Date: 2018.07.24
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Gaikwad RD