

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.576 OF 2018

IN

CRIMINAL APPLICATION NO.80 OF 2015

M/S.CRESCENT BEARING CORPORATION)...APPLICANT

V/s.

M/S.OM TEXTILE PVT. LTD. AND ORS.)...RESPONDENTS

Ms.Manisha Salekar with Ms.Suvarna Avhad Vast, Advocate for the Applicant.

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

CORAM : A. M. BADAR, J.

DATE : 28th JUNE 2018

P.C. :

1 This is an application for restoration of Criminal Application No.818 of 2017, which is also an application for restoration of Criminal Application No.80 of 2015 which came to be dismissed for want of prosecution on 24th February 2018.

2 Heard the learned Advocate appearing for the applicant/accused as well as the learned the learned Additional

Public Prosecutor. Perused the record of Criminal Application No.818 of 2017. It is seen that prior to issuance of notice to the concerned parties, said application for restoration came to be rejected for want of prosecution as the learned counsel failed to appear when the said restoration application was taken up for hearing. Therefore, it is not necessary to issue notice to the respondents herein. However, the learned APP appears for respondent no.3/State.

3 Perused the averments made in the application which are on affirmation. It is seen that the learned counsel for the applicant was prevented by sufficient cause for not appearing before the court when the Criminal Application No.818 of 2017 was called out for hearing. Hence, for the reasons stated in the instant application, Criminal Application No.818 of 2017 is restored to the file by recalling the order dated 25th April 2018 by which it was dismissed for want of prosecution.

The application is accordingly disposed of.

(A. M. BADAR, J.)