

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.590 OF 2018

IN

CRIMINAL APPLICATION NO.524 OF 2017

Mrs.Gayatri Rangaswami Yadav ... **Applicant**

V/s.

Mrs.Mehjabeen Asif Abdul Aziz Shaikh & Anr. ... **Respondents**

.....

Ms.Raksha Dhotre i/b. Mr.Himanshu S. Shinde, Advocate for the Applicant.

Mr.A.R.Kapadnis, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 26th JULY 2018.

P.C. :

1 This is an application for restoration of Criminal Application No.524 of 2017, which came to be dismissed for want of prosecution on 5th April 2018.

2 Heard the learned Advocate appearing for the applicant. She argued that the learned Counsel for the applicant was not present when the the matter was called out because he was suffering from high fever.

3 Perused the record of Criminal Application bearing No.524 of 2017. It is an application for condonation of delay in filing the application for leave to appeal. Notice was not issued in Criminal Application No.524 of 2017 and the same was rejected for want of prosecution in absence of the respondents. Hence, no notice is required to be issued to other side in the instant application.

4 Duly sworn affidavit shows that the learned Counsel appearing for the applicant was suffering from illness and, therefore, he could not attend the Court on 05/04/2018. Thus, sufficient cause is made out and hence, the Order :

ORDER

- (i) The application is allowed.
- (ii) The Order dated 5th April 2018 dismissing the Criminal Application No.524 of 2017 in default is recalled.
- (iii) Criminal Application No.524 of 2017 is restored to the file.
- (iv) The instant application is accordingly disposed of.

(A.M.BADAR J.)

Raju
Dattatraya
Gaikwad

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Gaikwad RD