

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.662 OF 2018

IN

CRIMINAL APPLICATION NO.209 OF 2017

(For Leave to Appeal – By Private)

Shri. Sampat Shankar More ... **Applicant**

V/s.

Shri.Disnesh Sangramsing Thakor & Anr.... **Respondents**

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Mr.Prashant D. Patil, Advocate for the Applicant.

Mr.Sarwadnya Kadtane i/b. Mr.Kuldeep U. Nikam, Advocate for the Respondent No.1.

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

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CORAM : A.M.BADAR J.

DATED : 31st JULY 2018.

P.C. :

1 This is an application for restoration of Criminal Application bearing No.209 of 2017 by condoning the delay of four days.

2 Heard both sides.

3 The learned Advocate appearing for the respondent No.1 vehemently opposed the application by contending that as none appeared for the applicant when the application was called out for hearing, the same was rightly rejected.

4 It is seen that on 3rd May 2018, the subject Criminal Application bearing No.209 of 2017 came to be rejected for want of prosecution. The duly sworn application shows that on that day, the matter was mentioned at 3.00 p.m. itself for restoration. It is thus seen that the applicant was vigilant in prosecuting the application. The delay caused in filing the application is also explained. Therefore, the Order :

ORDER

- (i) The application is allowed.
- (ii) The delay in filing the application for restoration is condoned.
- (iii) The Order dated 3rd May 2018 passed by this Court in Criminal Application No.209 of 2017 is recalled and the said application is restored to the file of this Court.
- (iv) The instant application is disposed of accordingly.

(A.M.BADAR J.)

Raju
Dattatraya
Gaikwad

Gaikwad RD

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