

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.759 OF 2018
IN
CRIMINAL APPLICATION NO.142 OF 2018**

Somnath Laxman Bhosale ... **Applicant**

V/s.

Rajesh Vasant Chatorkar and anr. ... **Respondents**

Mr.Veerdhaval Kakade i/b. Mr.Sachin Shivajirao Thombare for the applicant.

Mrs.M.R. Tidke, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 26th SEPTEMBER 2018.

P.C. :

1. This is an application for restoration of Criminal Application bearing no.142 of 2018 which came to be rejected for want of prosecution on 13th March, 2018 by co-ordinate bench of this Court (Coram : A.S. Gadkari, J).

2. Heard the learned Counsel appearing for the applicant. I

have also heard the learned Additional Public Prosecutor appearing for the State.

3. In the instant application, no notice is required to be issued to respondent no.1 as respondent no.1 was not even notice when the Criminal Application bearing No.142 of 2018 came to be rejected for want of prosecution.

4. Perusal of the application, demonstrates sufficient cause for none appearance before the Court when the application bearing no.142 of 2018 was called out for hearing. In this view of the matter, the following order;

:: ORDER ::

- (i) The instant application is allowed.
- (ii) The order dated 13th March, 2018 passed in Criminal Application No.142 of 2018 is recalled.
- (iii) The application is restored to file.

Vina
Arvind
Khadpe

Digitally
signed by
Vina Arvind
Khadpe
Date:
2018.09.26
15:34:03
+0530

(A.M.BADAR J.)