

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.873 OF 2018

IN

CRIMINAL APPEAL NO.78 OF 2018

M/s.GMMCO LTD.

)...APPLICANT

IN THE MATTER BETWEEN

M/s.GMMCO LTD.

)...APPELLANT

V/s.

MADHUKAR D. PATIL AND ORS.

)...RESPONDENTS

Ms.Shilpa Madaki, Advocate for the Applicant.

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

CORAM : A. M. BADAR, J.

DATE : 25th JULY 2018

P.C. :

1 This is an application for restoration of Criminal Application bearing No.78 of 2018.

2 Heard the learned advocate appearing for the applicant. She argued that the Criminal Application bearing no.78

of 2018 came to be dismissed for want of prosecution when she was unable to attend the court due to her ill-health. The learned advocate further submits that as no notice was issued to respondents in that application, there is no necessity for issuing notice to the respondents in the instant application.

3 I have heard the learned APP appearing for respondent no.3/State.

4 It is seen that Criminal Application No.78 of 2018 came up for hearing for the first time on 19th March 2018 and by noticing absence of the learned advocate for the applicant, the same came to be dismissed for want of prosecution. It is seen from the averments made in the instant application that because of the ill-health of the learned advocate for the applicant, she failed to appear before the court, when the matter was called out. In this view of the matter, sufficient cause for non-appearance before the court is made out. Therefore the order :

ORDER

- i) The application is allowed.
- ii) The order dated 19th March 2018 passed in Criminal Application No.78 of 2018 is recalled.
- iii) Criminal Application bearing No.78 of 2018 is restored to file.
- iv) The application is accordingly disposed of.

(A. M. BADAR, J.)

Arti
Vilas
Khatate

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