

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION*

WRIT PETITION NO. 3938 OF 2017

Mrs.Pushpa Pandurang Dudhal ... Petitioner
Vs.
State of Maharashtra and another ... Respondents

Mr.Rahul S.Kadam, for the Petitioner.

Mrs.M.M.Deshmukh, APP, for State.

CORAM : S. S. SHINDE, J.
Date : August 23, 2018.

P.C. :

This Petition takes exception to the order dated 11 December 2015 passed by the learned Additional Sessions Judge, Pandharpur in Criminal Revision Application No.54 of 2013.

2. The learned counsel appearing for the Petitioner submits that the impugned judgment and order is passed without assigning any reasons. He submits that Petitioner was feeling ill and was advised by the doctor to take rest since the Petitioner had undergone operation due to some physical ailment which has arisen out of the said operation. The Advocate engaged to represent the Petitioner could not attend the proceedings on 11 December 2015 therefore, he

submits that in the interest of justice, Revision Application be restored to its original file so as to adjudicate the same on merits. Though the Respondent No.2 is served by a regular mode of service and also by private service, none appears for the Respondent No.2.

3. I have carefully perused the grounds taken in the Petition and in particular averments in paragraph 17 of the Petition. Since none appears for Respondent No.2 and also no reply is filed, said averments in paragraph 17 remain uncontroverted.

4. Upon perusal of the impugned judgment and order, it appears that without assigning even single reason, Revision Application has been rejected, solely on the ground that Revision Applicant is absent since 9 May 2015. I am convinced with the reasons stated in the Revision Application and in particular paragraph 17 thereof and therefore in the interest of justice, the Criminal Revision Application No.54 of 2013 (Pushpa Pandurang Dudhal Vs The State of Maharashtra and another) deserves to be restored to its original file. Accordingly following order -

- i. The impugned judgment and order is quashed and set aside. Revision Application No.54 of 2013 is restored to it's original file.
- ii. The Court of Additional Session Judge, Pandharpur is directed to adjudicate the said Criminal Revision on merits and decide the same as expeditiously as possible however within six months from today.

5. Needless to observe that on each date of hearing fixed by the said Court if the Petitioner's presence is required, she shall attend the Court. Petition is allowed as above and stands disposed accordingly.

(S. S. SHINDE, J.)

Maria Luiza
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