

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

**CRIMINAL APPLICATION NO.397 OF 2018
IN
CRIMINAL WRIT PETITION ON.632 OF 2006**

N.A. Soonawala & anr.

... Applicants

Vs.

Jitsingh Kalirai & anr.

... Respondents

Mr.Amit Desai, Senior Advocate with Mr.H.N. Vakil and Ms.S.M. Vakil i/b Mulla & Mulla CB & C for the Applicants

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: DECEMBER 18, 2018

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This application is moved for setting aside the order dated 25.9.2018 dismissing the Writ Petition. The learned Senior Counsel appearing for the applicant submits that on 25.9.2018, the Board had suddenly collapsed and, therefore, the matter went unattended. He, therefore, seeks restoration of the Writ Petition.

3. Learned Assistant Public Prosecutor submits to the orders of the Court.

4. The Union of India is not served. However, it appears that the matter was dismissed when none appeared for the Union of India. In view of this, the Writ Petition is restored to its original file with all the interim orders passed therein. However, the applicant/petitioner is directed to serve fresh notice on the respondents. The learned APP waives notice on behalf of the State. The notice is made returnable on 26.2.2019.

(MRIDULA BHATKAR, J.)