

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPW) NO.100/2018
IN
CRIMINAL APPLICATION (APPW) NO.244/2017(D)
IN
CRIMINAL WRIT PETITION NO.87/2012(D)

Noorjahan W/o Salim Geegani

..Vs..

Mohd. Salim Haji Shakur Geegani

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.B. Ramteke, Advocate h/f Shri A.J. Khan, Advocate for the
applicant / petitioner.

CORAM : Z.A. HAQ, J.

DATE : 30.8.2018.

1. The petitioner had filed writ petition to challenge the order passed by the Sessions Court. The writ petition was admitted. The writ petition was dismissed for want of prosecution on 10th October, 2017. The petitioner filed Criminal Application No.244/2017 praying that the order passed by this Court on 10th October, 2017 be recalled and the writ petition be restored. This application is also dismissed for want of prosecution by order dated 12th April, 2018.

2. Now, Criminal Application No.100/2018 is filed praying that the order dated 12th April, 2018 be recalled and Criminal Application No.244/2017 be restored. The office note shows that the report of notice issued to the respondent is awaited.

3. Be that as it may, accepting the explanation given in the application, particularly about the inability of the Advocate to remain present on the concerned dates because of illness and as the writ petition is not dismissed on merits, following order is passed:

4. Criminal Application No.100/2018 is allowed and Criminal Application No.244/2017 is restored.

5. Criminal Application No.244/2017 is allowed and criminal Writ Petition No.87/2012 is restored.

CRIMINAL WRIT PETITION NO.87/2012

6. Issue notice to the respondent.

7. The respondent may file reply / affidavit, if so advised, till 2nd November, 2018.

8. List petition for further consideration on **30th November, 2018.**

JUDGE