

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPP) NO.1700/2017
IN CRIMINAL APPLICATION (APL) NO.170/2015 (DECIDED)
Mohammad Sajid s/o Baba Miyan Khan ..vs.. Gazala d/o Mujibur Rehman
Siddiqui and anr.

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

Court's or Judge's orders.

Mr. G. Chatterjee, Advocate for applicant.
Mr. N. S. Rao, A.P.P. for non applicant no.2-State.

CORAM : V.M. DESHPANDE, J.
DATED : FEBRUARY 2, 2018

1. This is an application for restoration of Criminal Application (APL) No.170/2015. On 19.08.2015, Criminal Application No.170/2015 was admitted for final hearing. The said application was listed for final hearing on 03.10.2017 and 04.10.2017. However counsel for the applicant was not present and therefore it was kept on 05.10.2017. On the said day, the counsel for the applicant was absent and therefore the application was dismissed for want of prosecution. The order dated 05.10.2017 shows that even counsel for the non applicant no.1 was not present and only Smt. K. R.Deshpande, A.P.P. appeared for non applicant no.2-State. Within a period of 5 days, the present application for restoration was filed before this Court.

2. Notice on the application for restoration was issued on 03.11.2017. The non applicant no.1 is served.

The applicatoin was listed before this Court on 12.01.2018. Mr. Chatterjee was present. However though the non applicant no.1 was served nobody has appeared. Therefore, in order to give one chance to the non applicant no.1, the matter was placed today.

3. Today, when this application was taken up for consideration, nobody appeared on behalf of the non applicant no.1 nor there is any request for adjournment. The applicant is represented by Mr. Chatterjee and the non applicant no.2-State is represented by Mr. Rao, A.P.P.

4. The application for restoration is duly affirmed by Mr. Chatterjee, Advocate himself. I have gone through the contents of the application for restoration which are on affidavit of the Advocate himself. For the reasons stated in the application, it is allowed. The order dated 05.10.2017 dismissing the application in default is recalled.

Criminal Application (APL) No.170/2015 is restored to file and it be kept for final hearing as per its turn.

The application is disposed of accordingly.

JUDGE