

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 279 OF 2018
IN
CRIMINAL APPLICATION (MAIN) NO. 35 OF 2017

SANATAN SANSTHA, A PUBLIC
CHARITABLE TRUST, THR. ITS
MANAGING TRUSTEE, VIRENDRA
PANDURANG MARATHE.

... Applicant

Versus

STATE OF GOA, THR. STATE PUBLIC
PROSECUTOR AND 3 ORS.

... Respondents

Shri Nagesh Chandrakant Takbhate, Advocate for the applicant.

Ms. Ankita Kamat, Advocate for the respondents No.2,3 and 4.
Coram:- NUTAN D. SARDESSAI, J.

Date:- 12th February 2019

P.C.:

Heard Shri Takbhate, learned Advocate for the applicant and
Ms. A. Kamat, learned Advocate for the respondents No.2,3 and 4.

2. This is an application for restoration moved on behalf of the applicant on the ground that there was a miscommunication of the dates and in view thereof the applicants could not be duly represented in the Court by the Advocate appearing on their behalf. The matter as such went unattended and was dismissed for default and non-prosecution. In the circumstances, the application be allowed and the original application under Section 482 be restored

to file.

3. Ms. A. Kamat, learned Advocate reiterated the contents of the reply and submitted that no case was made out for interference with the order and application had to be dismissed.

4. i have considered their submissions and also that the lapse on the part of the Advocate was beyond the control of the applicant. Having considered the grounds urged in the application and also in the reply, the application is allowed subject however to the deposit of costs of ₹5,000/-(Rupees Five Thousand only). The same be deposited in the office of the Goa State Legal Services Authority. The original application No.35 of 2017 is restored to file.

5. The application stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

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