

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

**CRIMINAL APPLICATION NO. 601 OF 2017
IN
CRIMINAL APPLICATION NO. 1019 OF 2015
WITH
CRIMINAL APPLICATION NO. 604 OF 2017
IN
CRIMINAL APPLICATION NO. 1020 OF 2015**

Advait Chandrashekhar Datar & Ors. ... Applicants

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Sushil Nimbkar for the Applicants.
Mr. F.R. Shaikh, APP for Respondent/State.
Mr. Rahul kadam for the Respondent No.2.

**CORAM : B.P.DHARMADHIKARI, &
REVATI MOHITE DERE, JJ.
DATE : 25th JANUARY, 2019**

P.C.:

1. Heard respective counsel.
2. The prayer is for restoration of Criminal Application Nos. 1019 of 2015 and 1020 of 2015.
3. Learned Counsel submits that both these APL were before learned Single Judge and later on transferred to the Division Bench. The same have been dismissed for default for not furnishing second set.
4. Restoration is being strongly opposed by learned Counsel who

appears for original complainant in both the matters. According to him, despite dismissal of applications a show of pendency was made and therefore, compliance with direction issued by this Court in Writ Petition No. 3590 of 2017 on 01.11.2017 has not been made. He points out that Contempt Petition No. 464 of 2018 alleging non compliance and violates is already filed and pending.

5. In Criminal Application Nos. 601 and 604 of 2017, the Applicants states that they have tendered second set along with applications for restoration. Second set are not available today with us. Counsel submits that within 7 days, he will supply one more copy of both the applications. Counsel for complainant has received copies of both APL. In this situation, we kept contention of learned Counsel for complainant open.

6. We, further, restore Criminal Application Nos. 1019 of 2015 and 1020 of 2015 back to file for its appropriate consideration. The Criminal Application be placed along with Contempt Petition No. 464 of 2018 for further hearing within further period of 3 weeks.

7. Criminal application Nos. 601 of 2017 and 604 of 2017 are accordingly disposed of.

(REVATI MOHITE DERE, J.)

(B.P.DHARMADHIKARI, J.)