

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

CRIMINAL APPLICATION NO. 880 OF 2018

IN

CRIMINAL APPLICATION NO. 279 OF 2015

M/s. High Power Engineering Co. Pvt. Ltd. ..Applicant.

v/s.

M/s. Kundan Collection & anr. ..Respondents.

Ms. Smita Mane i/b. The Laureate, advocate for applicant.

Mr. S.R. Agarkar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : SEPTEMBER 26, 2019.

P. C. :

1 This is an application seeking restoration of the matter which was dismissed for want of prosecution on 26th March, 2018. There is delay of 81 days in filing an application seeking restoration. The learned Counsel for the applicant submits that in fact, she had missed seeing the board after it was dismissed and therefore, there is a delay of 81 days. It is also stated that the applicant was under the bonafide impression that the matter has been adjourned and on 3rd July, 2018 the applicant enquired with his advocate and on going through the official website, the learned Counsel had learnt that the matter was dismissed on 26th March, 2018. There is no doubt that there is negligence on the part of the learned Counsel.

Talwalkar

However, the litigant should not suffer for the negligence of the advocate. Hence, the delay deserves to be condoned. For the reasons stated in the paragraph-7 of the application, the order dated 26th March, 2018 is recalled and the matter is restored to its original status. The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]