

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 397 OF 2019****IN****CRIMINAL REVISION APPLICATION NO. 445 OF 2001**

Subhash Dalichand Bhalgat & Ors.

...Applicants.

Vs.

State of Maharashtra

....Respondent.

Mr. Pankaj Purway for the Applicants.

Mr. R.M. Pethe APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 16th AUGUST, 2019.****P.C.:-**

This is an Application for restoration of the Revision Application No. 445 of 2001, which was dismissed for non-prosecution by Order dated 17th March, 2016.

There is delay of about 3 years and 100 days in filing the present Application.

2 Learned counsel for the Applicants submitted that, the Applicants were not aware of the fact of dismissal of the said Revision Application, as they had discharged their earlier Advocate on record. He further submitted that, the Applicants in the interregnum could

not appoint the Advocate and the dismissal of the Revision Application came to their knowledge after conviction warrants are issued.

3 *Prima facie*, it appears that, no plausible explanation for condonation of delay is given in the Application as the Applicant No.1 was personally present before this Court on 4th April, 2013 and in his presence the statement was recorded in Order dated 4th April, 2013 that, the Advocate appearing for them was discharged. It appears that, the Applicants were aware of the fact that, the Revision Application was being listed on board for hearing since 4th April, 2013.

4 May that as, it may. In view of above and in the interest of justice, I am inclined to condone the delay caused in filing the present Application, subject to condition that, the Applicants shall pay a cost of Rs.10,000/- to the High Court Legal Services Committee, Mumbai, having its account in the name of “*High Court Legal Aid Fund*” within a period of two weeks from today.

Application is allowed in terms of prayer clauses (a) and (b).

(A.S. GADKARI, J.)