

Vidya Amin.

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

**CRIMINAL APPLICATION NO. 1452 OF 2018
WITH
CRIMINAL APPLICATION NO. 1453 OF 2018
IN
CRIMINAL APPLICATION NO. 1196 OF 2016**

Janardan Yellayya Mittapally & Anr. ... Applicants

VS.

The State of Maharashtra & Anr. ... Respondents

Mrs. Ratna R. Jaiswal, Advocate for the applicants.

Ms. Pallavi N. Dabholkar, APP for the respondent/State.

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: 9th January, 2019

P.C. :

Criminal Application No. 1453 of 2018 is moved for recalling the order dated 25th September, 2017 of dismissing the Criminal Application No. 1196 of 2016 for non-prosecution.

2. Criminal Application No. 1452 of 2018 is moved for condonation of delay of one year and 7 days in filing Criminal Application for restoration of Criminal Application No. 1196 of 2016.

3. The learned counsel for the applicants submitted that the

applicants are facing charges under sections 498A, 302, 304B of Indian Penal Code. He submitted that inadvertently Criminal Application No. 1196 of 2016 went unattended and hence it is to be restored. He submitted that the delay of one year and 7 days in filing the Application for restoration may be condoned.

4. Learned APP submits to the order of the Court.

5. In view of the submissions, the order dated 25th September, 2017 is recalled. Criminal Application no. 1196 of 2016 is restored to its file along with the orders passed therein. Delay of one year and 7 days caused in filing the Application for restoration is condoned.

6. Both the Criminal Applications are allowed and are disposed of accordingly.

7. Place the Criminal Application No. 1196 of 2016 on 29th January, 2019.

(MRIDULA BHATKAR, J.)