

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPW) NO.197/2019

IN

CRIMINAL WRIT PETITION NO.865/2018 (D)

Qumruz-Zaman Abdul Samad

..VS..

Mohammed Zafarul Islam s/o Shaikh Sofi and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri M.N.Ali, Counsel for the Applicant.

Shri S.M.Ghodeswar, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : SEPTEMBER 13, 2019.

1. A very sorry affair is being presented to this Court by learned counsel Shri M.N.Ali for the applicant in respect of his conduct.

2. This Court (Coram : Rohit B.Deo, J.), on 11.7.2019 dismissed the present criminal writ petition filed on behalf of the present applicant since learned counsel Shri M.N.Ali for the applicant was absent before the said Court. At the time of dismissal of the present criminal writ petition, the Honourable Judge observed that application for restoration of the present criminal writ petition should not be accepted unless Rs.3000/- is paid by way of costs to be deposited with the High Court Legal Services Sub Committee at Nagpur.

3. When order dated 11.7.2019 was so clear, in respect of circumvent of the said order, learned counsel Shri M.N.Ali for the applicant filed an application to recall of order dated 11.7.2019 and thus it appears *prima facie* that he has misled the Registry and thereby the Registry accepted the application though costs Rs.3000/- was not paid.

4. Being an officer of this Court, it was duty of Advocate Shri M.N.Ali, to comply with order dated 11.7.2019. If he wishes to file an application for restoration of the criminal writ petition, otherwise ways were open to him to challenge the said order before the Honourable Apex Court. Advocate Shri M.N.Ali, has no remorse while making submissions before this Court. The Court could have readily taken a very serious view against Advocate Shri M.N.Ali, however looking to he is a junior member of the Bar, action is not taken against him.

5. In this view of the matter, the present criminal application is dismissed with costs Rs.5000/- to be deposited with the High Court Legal Services Sub Committee at Nagpur.

JUDGE

!! BRW !!

...../-