

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**921 CRIMINAL APPLICATION NO.928 OF 2021
IN
CRIMINAL APPEAL NO.97 OF 2021**

NANDU @ ADINATH WALMIK GANJAVE .. Applicant
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER ..Respondents

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Advocate for the Applicant : Mr R.K. Temkar
APP for Respondent No.1 / State : Mr. S.G. Sangle
Advocate for Respondent No.2 : Mr R.L. Kute

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**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

Date : 06-05-2021

PER COURT :-

1. The applicant, original appellant in Criminal Appeal No.97 of 2021 prays for restoration of the appeal as the conditional order passed by this Court dated 17-03-2021 was not complied with.

2. The learned Prosecutor and the learned Advocate representing respondent no.2, opposed the application.

3. We find from the record that, the appeal was dismissed without reference to the Court on 31-03-2021 and this application

has been filed by the appellant on 08-04-2021, which is within eight days.

4. In view of the above, this application stands allowed. If the directions set out in the order dated 17-03-2021 are complied with on or before 10-06-2021, the appeal shall stand restored at the stage, at which it was dismissed. If this direction is not complied with, this order shall stand recalled and the appeal shall not be restored.

5. No liberty to move in vacation.

(B. U. DEBADWAR)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE