

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.964 OF 2021
AND
INTERIM APPLICATION NO.965 OF 2021
IN
INTERIM APPLICATION NO.1602 OF 2018
IN
CRIMINAL APPEAL NO.161 OF 2018**

Umesh Dnyanoba Ban .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Mateen Shaikh for the Applicant.

Mr. R.M. Pethe, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 6TH APRIL, 2021.

P.C:-

1. By the present Application, the Applicant seeks restoration of Interim Application No.1602 of 2018, which was dismissed in default for its non-prosecution.

2. Perused the Interim Application. The Applicant has stated that the appeal was admitted and the Application came to be filed

seeking his release on bail. The reasons for non-appearance on the particular day, when the appeal came to be dismissed, are contained in the Interim Application and the foremost reason is that the counsel did not inform about the same and the Applicant, who is in jail, was not aware about the promptitude with which his Interim Application was prosecuted.

3. Since it can be seen that the Applicant is behind the bar and cannot be faulted for the order dated 03/10/2019, I deem it appropriate to restore the said Interim Application. Hence, Interim Application No.965 of 2021 is allowed.

4. Let the Interim Application, on its restoration, be listed before this court on 19/04/2021.

5. Undoubtedly, the above Interim Application Application No.965 of 2021 has been filed after a delay of more than one year. However, the very same reasons which persuaded me to restore the Interim Application are sufficient for condoning the delay too. Hence, the delay is condoned.

6. Interim Application No.964 of 2021 is also disposed of.

SMT. BHARATI DANGRE, J.