

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1688 OF 2021****WITH****INTERIM APPLICATION NO. 1687 OF 2021****IN****CRIMINAL WRIT PETITION NO. 1757 OF 2002**

Vimal Jugal Sonak

... Applicant/Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr.Shailesh Kantharia for Applicant/Petitioner.

Mr.S.S. Hulke, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.**DATE : 2nd July 2021.****(Through Video Conferencing)****PC. :**

These are Applications for condonation of delay and for restoration of Writ Petition No.1757 of 2002 which was dismissed for want of prosecution by an Order dated 5th November 2019.

There is a delay of 1 year and 144 days in preferring the application for restoration.

2. Mr.Kantharia, learned counsel for the Applicant submitted that, even after dismissal of Writ Petition No.1757 of 2002 on 5th November 2019, when the Applicant used to make inquiry with his Advocate-on-Record, it was

informed to him that the date for final hearing of the Petition was not yet scheduled and by relying upon the assurance of the Advocate, he was rest assured. That the Advocate-on-Record for the Applicant passed away on 6th January 2021 due to medical complications and after his demise, when the Applicant inquired with his Office, it was informed to him that the present Writ Petition has already been dismissed for default by this Court on 5th November 2019. Mr.Kantharia submitted that, for no fault on the part of the Applicant, he is made to suffer.

3. In view of the above and for the reasons stated in the Application, both the Applications are allowed subject to condition that the Applicant shall pay a cost of Rs.5,000/- to the High Court Legal Services Committee, Mumbai, within a period of two weeks from today.

The Applicant to pay/deposit the cost in the account namely “High Court Legal Aid Fund”, Account No. 60045304283, IFSC-MAHB0000002 of the Bank of Maharashtra, Branch-Fort, Mumbai-400032, maintained by the High Court Legal Services Committee, Mumbai, Room No. 105, 1st Floor, PWD Building, High Court, Mumbai and to furnish the details of such cost to the High Court Legal Services Committee, Mumbai and obtain the receipt thereof physically or through Email i.e. hclsc.mumbai@gmail.com which shall be the proof of such payment/deposit.

4. Subject to payment of cost, both the Interim Applications are allowed in terms of prayer Clause (a) of both the Applications.

[A.S. GADKARI, J.]