

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

**CRIMINAL APPLICATION NO.1379 OF 2018
IN
CRIMINAL APPLICATION NO.546 OF 2017**

Rabendra Rambharoselal Applicant
Versus
Amit Kumar Hotilal & Ors. Respondents

Mr. Bhushan U. Deshmukh, Advocate for the Applicant.
Mr. H.J. Dedhia, APP for the Respondent-State.
Mr. Akshay J. Kashid, Advocate i/b. A.B. Tajane, Advocate for
Respondent No.1.

CORAM :SARANG V. KOTWAL, J.

DATE : 08th MARCH, 2021

P.C. :

1. This is an application for condoning the delay in filing this application and mainly for recalling of the order dated 23.4.2018 disposing of the application by dismissing the application for non-prosecution.

2. Heard Shri Bhushan Deshmukh, learned Counsel for the Applicant, Shri H.J. Dedhia, learned APP for the State and Shri Akshay Kashid, learned Counsel for Respondent No.1.

3. Learned Counsel for the Applicant invited my

attention to Exhibit-A and Exhibit-C annexed to this application. Both the orders are dated 23.4.2018 passed in Criminal Application No.546/2017. The title is same in both these orders. The first order at Exhibit-A shows “Await service. Stand over to 25/06/2018” and the order at Exhibit-C in the same matter dated 23.4.2018 mentions “None for the applicant. Dismissed for non prosecution”. There appears to be some confusion in these orders. Some enquiry was also conducted in this matter.

4. Learned Counsel for Respondents No.1, 2 & 3 has no objection if the application is allowed.

5. Quite obviously there appears to be two orders of the same date in the same matter. It has created confusion.

6. In the interest of justice, in this background, the main matter requires to be heard on merits. Therefore, I am allowing this application. The delay in filing this application is condoned. Criminal Application No.546/2017 is restored to its file. This Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)