

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

**CRIMINAL APPLICATION (APPW) NO.51 OF 2021**  
**IN**  
**CRIMINAL WRIT PETITION NO.25 OF 2018 (D)**

(Irshad Khan s/o Akil Ahmade Khan and others Vs. Afsha @ Mohammad Yahiya Khan  
(Babubhai) and another)

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

*Court's or Judge's orders.*

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Mr. Amit Khare, Advocate for Petitioners.  
Mr. Shashibhushan Wahane, Advocate for Respondent 1.  
Mrs. K.R. Deshpande, APP for Respondent 2/State.

**CORAM: ROHIT B. DEO, J.**

**DATE: 21<sup>st</sup> JUNE, 2021.**

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. This application is preferred seeking restoration of Writ Petition (Criminal) 25/2018 which was dismissed in default on 09.02.2021 due to the non appearance of the learned counsel.

3. The reason pleaded is that the learned counsel could not make it to the Court when the matter was called out since his daughter had tested Covid-19 positive and that he was held up due to her illness.

4. In view of the reason pleaded, the learned

counsel for respondent 1 Mr. Shashibhushan Wahane fairly has no objection to restoration.

5. The order of imposition of costs of Rs.5000/- is also recalled since the learned counsel had genuine difficulty in attending the matter. This application is allowed.

6. List the restored petition high on final hearing board on 24.06.2021.

**JUDGE**