

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2090 OF 2022
IN APPLN/1985/2021

BHIMRAO SHIVAJI NAGARGOJE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Patil Kalyan V.
APP for Respondents : Mr. S.J. Salgare

**CORAM : SMT. VIBHA KANKANWADI &
RAJESH S. PATIL, JJ.**

DATE : 27th September, 2022.

ORDER :-

1. Issue notice to respondents.
2. Learned APP waives notice for respondent No.1 as well as respondent No.2. Respondent No.2 is a Seed Inspector and in his official capacity he had filed the FIR.
3. The present application has been filed for restoration of Criminal Application No. 1985 of 2021 which came to be dismissed for default by this Court on 17.6.2022.
4. Learned Advocate for the applicant submits that he was busy before another Court and could not remain present and under such circumstance, said application came to be dismissed. He seeks restoration of the said application.

5. *Per se*, we cannot find any illegality on the fact that when none appeared for the applicant, this Court was justified in dismissing the application for default. However, taking into consideration the reason now stated, for which the learned counsel for the applicant, in fact, could have made arrangements for keeping the matter back or seeking adjournment, on the day when the matter was called out before this Court, and for that purpose, while restoring the main application, we propose to impose cost. Hence, the following order :-

ORDER

The order passed by this Court on 17.6.2022, in Criminal Application No. 1985 of 2021 is recalled. The said application stands restored subject to deposit of costs of Rs. 2000/- with the High Court Legal Aid Services, Sub-Committee, Aurangabad, within a period of two weeks.

(RAJESH S. PATIL, J.)

(SMT. VIBHA KANKANWADI, J.)

grt/-