

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 3091 OF 2022****IN REVN/16/2021****SHAIKH MUSA S/O. SHAIKH YASIN****VERSUS****THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Applicant : Mr. Faij Khan h/f Mr. Syed G R

APP for Respondent/State : Mr. S. B. Narwade

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CORAM : KISHORE C. SANT, J.**DATE : 23rd SEPTEMBER 2022.****Per Court :**

Heard.

1. The application is filed, praying for recall of the order dated 14.02.2022 pursuant to order dated 31.02.2022, thereby dismissing the Criminal Revision Application No.16/2021. Vide order dated 31.01.2022, this Court had passed conditional order as spare copy was not supplied by the Revisional Applicant. The matter was directed to be dismissed, if spare copy is not supplied within a period of two weeks from 31.01.2022.

2. Learned Advocate submits that it was the fault of the earlier Advocate, who was engaged to prosecute the Revisional Applicant that he had not supplied spare copy in time. The Applicant was not aware of this order. On coming to know that the matter is dismissed he approached another lawyer. Therefore a delay of 167 is caused in filing of this application. Considering the submissions and the averments in the application in Paragraph No.2, it would be in the interest of justice to recall the order dated 14.02.2022 passed earlier by which the matter is dismissed. It would also be necessary in the interest of justice to condone the delay caused in filing of this application. Hence the following order.

ORDER

- (i) Delay of 167 days is condoned.
- (ii) The Criminal Application No.3091/2022 in Revision Application No.16/2021 is allowed.
- (iii) The file is restored to its original status.
- (iv) The learned Advocate undertakes to supply the spare copy within a period of one week.

(v) With this, the Criminal Application is disposed of.

[KISHORE C. SANT, J.]

Najeeb.