

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

**INTERIM APPLICATION NO.3410 OF 2021
IN
CRIMINAL WRIT PETITION NO.87 OF 2005**

Jaysingh Vallabhdas Mariwala and Ors. .. Applicants

Versus

State of Maharashtra and Anr. .. Respondents

**WITH
INTERIM APPLICATION NO.3409 OF 2021
IN
CRIMINAL WRIT PETITION NO.86 OF 2005**

Jaysingh Vallabhdas Mariwala and Ors. .. Applicants

Versus

State of Maharashtra and Anr. .. Respondents

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Mr.Sunil V. Manohar, Senior Counsel a/w. Mr.Akshay A. Naik and
Mr.Gireesh U.G. Menon, Advocate for the Applicants.

Mr.A.D. Kamkhedkar, APP for the Respondent No.1-State.

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CORAM : PRAKASH D. NAIK J.

DATED : JULY 11, 2022.

P.C. :

Both these applications are preferred for recalling order
dated 15th February, 2021, and, restoration of Criminal Writ Petition
No.87 of 2005 and Criminal Writ Petition No.86 of 2005.

2 The petitions were listed for hearing on 15th February, 2021, and, since none appeared for the petitioners, the petitions were dismissed for non prosecution.

3 Learned counsel for the petitioners submits that the reasons for non appearance of advocate representing the petitioners is mentioned in this application. The advocate for the petitioners was requested to travel to Delhi on 14th February, 2022, and, he was not aware of the listing of these matters. Upon reaching Delhi, the advocate suffered symptoms of fever and weakness and advised rest. After undergoing test, it was revealed that he was suffering from Covid-19.

4 These applications were preferred within short span of time after the dismissal of the petitions for non prosecution.

5 The petitions were admitted by this Court *vide* order dated 17th October, 2005, and, interim relief *qua* petitioners was granted in terms of prayer clause (d). For the reasons stated in the applications, and, considering the submission of the learned counsel for the petitioners/applicants, the petitions are required to be restored.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application Nos.3410 of 2021 and 3409 of 2010, are allowed;
- (ii) The order dated 15th February, 2021, stands recalled and the petitions are restored to file with interim relief granted in favour of the petitioners;
- (iii) Interim Applications stand disposed of accordingly;
- (iv) The Writ Petitions be listed for hearing in due course.

(PRAKASH D. NAIK, J.)