

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

**INTERIM APPLICATION NO.1936 OF 2022
WITH
INTERIM APPLICATION NO.1938 OF 2022
IN
CRIMINAL WRIT PETITION NO.2084 OF 2017**

P.Venkatesh Pillai and Anr. .. Petitioners

Versus

Mrs.Subha Mukund Pillai and Anr. .. Respondents

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Mr.Kapil P. Shetye, Advocate for the Petitioners.

Mr.Sangharsh V. Waghmare, Advocate for Respondent No.1.

Mr.Arfan Sait, APP for the Respondent No.2-State.

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CORAM : PRAKASH D. NAIK J.

DATED : JUNE 28, 2022.

P.C. :

The interim applications are preferred for restoration of Writ Petition No.2084 of 2017 and for condonation of delay in preferring application for restoration of Writ Petition No.2084 of 2017. The petition was dismissed for want of prosecution on 4th December, 2019.

2 Learned counsel for the applicants submits that the applicants were abroad. In the application for condonation of delay, the explanation is given for condoning delay of 2 years and 115 days.

3 Learned counsel for the respondent submits that the applicants/petitioners were not diligent in pursuing the proceedings, and, hence, the petition was dismissed for want of prosecution. There is enormous delay in preferring the application for restoration.

4 It is pertinent to note that the petition is pending in this Court since 2017. The accused is discharged for an offence punishable under section 494 of IPC. For the reasons stated in the application, the delay is condoned. In the interest of justice petition stands restored.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application No.1936 of 2022 and 1938 of 2022, are allowed and disposed of;
- (ii) Writ Petition No.2084 of 2017, is restored along-with the interim protection;
- (iii) Writ Petition No.2084 of 2017, be listed on Board on 27th July, 2022.

(PRAKASH D. NAIK, J.)