

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 332 OF 2019
IN
WRIT PETITION NO. 2 OF 2019

Anthony Francis Barretto.

...Applicant/Petitioner.

Versus

The State of Maharashtra & Others.

..Respondents.

Mr. M. R. Pereira for the Applicant / Petitioner.

Ms. M. H. Mhatre, APP for Respondent – State.

CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.

Date : March 24, 2022.

P. C. :

1. By way of present application, the Petitioner has prayed for the restoration of writ petition. Though the major submission of learned counsel for the Petitioner is on account of the dismissal of petition for non prosecution and though certain reasons are assigned in the application for non-prosecution of petition, more particularly in paragraph nos.5 and 6 for non availability of the counsel on scheduled date of listing of petition, but for the observations of Division Bench in the order dated 12th March 2019 in paragraph no.2, we are unable to entertain this application for restoration of writ petition. It can be safely said that dismissal of petition is not solely on the ground of non prosecution but the opinion formed by the Court for non-inclination of petition as also disclosed in paragraph 2. As such, in our opinion, the

application is devoid of merits and deserves to be rejected. Accordingly, the application is rejected.

[S. M. Modak, J.]

[Prasanna B. Varale, J.]