

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

**INTERIM APPLICATION NO. 2890 OF 2022
IN
CRIMINAL APPEAL NO. 503 OF 1997**

S. R. Dutta, Asstt. Collector of Customs (Retired) ..Applicant.
Versus
Hasam Ahmed Jafrabadi & Ors. ..Respondents

Mr. N. Natarajan, SPP a/w. Gajanan Bhosale – Superintendent of Customs, for Applicant, present.

Mr. Parag Joshi i/b. T. D. Joshi and Associates for Respondent Nos.2 and 3.

Mr. P. H. Gaikwad, APP for State/Respondent No.4.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th OCTOBER 2022**

PC :

1. This is an application for restoration of Criminal Appeal No.503 of 1997. This Appeal was dismissed for non prosecution vide order dated 16/06/2022 passed by this Court (Coram: A. S. Gadkari, J.).

2. In this restoration application, learned counsel for the Applicant submitted that, due to oversight and inadvertence

learned counsel could not remain present for the Appellant and, therefore, the Appeal got dismissed. The Appellant is very much interested in prosecuting this Appeal. Therefore, in the interest of justice, the Appeal be restored. He has already given notice to the Respondent Nos.2 and 3. Learned counsel for the Respondent Nos.2 and 3 is present in the Court. On 16/06/2022, when the Appeal was dismissed nobody had appeared for the Respondent No.1.

3. Considering all these aspects and the submissions made by learned counsel for the Applicant, the Application is allowed and disposed of.

4. The Criminal Appeal No.503 of 1997 is restored to its file.

5. The Appeal shall proceed to final hearing stage in due course.

(SARANG V. KOTWAL, J.)