

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3028 OF 2022****IN****CRIMINAL APPEAL NO. 359 OF 2017****Sombahaddur Budhhibahaddur Tamang & Anr.Applicants****Vs.****The State Of Maharashtra****.....Respondent****Mr. Abhishek Datta Nagode for the Applicants.****Mr. H.J. Dedhia APP for the Respondent-State.****CORAM : A. S. GADKARI AND
MILIND N. JADHAV, JJ.****DATE : 21st SEPTEMBER, 2022.****P.C.:-**

1) This is an Application for recalling of Order dated 5th September, 2022. By the said Order, Advocate Mr. Murtaza Najmi was appointed as an *Amicus Curiae* as the Advocate on record for the Applicants/Appellants did not remain present at least on two consecutive occasions.

2) Learned counsel for the Applicants/Appellants submitted that due to certain reasons which were beyond the control of the learned Advocate on record for the Applicants/Appellants, the concerned Advocate could not remain present at the time of final hearing of the said Appeal. He submitted that, the reasons are more specifically mentioned in the present

Application.

3) In view thereof and for the reasons stated in the Application, we are inclined to recall the Order dated 5th September, 2022 subject to condition that, the Applicant shall pay a cost of Rs.5,000/- Kirtikar Law Library, High Court, Mumbai within a period of two weeks from today.

4) Subject to payment of cost within the stipulated period, Application is allowed in terms of prayer clause (a).

Mr. Abhishek Nagode, learned Advocate is permitted to file his Vakalatnama for and on behalf of Appellants and conduct Appeal No.359 of 2017.

(MILIND N. JADHAV, J.)

(A.S. GADKARI, J.)

SANJIV
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MASHALKAR

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