

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1636 OF 2019
IN
CRIMINAL APPEAL NO.1354 OF 2002

The State of Maharashtra
versus
Balasaheb Laxman Takawade and another

Applicant
Respondents

Mr.S.V.Gavand, APP, for Applicant-State.
Mr.Satyam H. Nimbalkar with Mr.S.H.Salunke, Advocate for respondents.

CORAM : PRAKASH D. NAIK, J.

DATE : 25th April 2022

PC :

1. This is an application for restoration of Criminal Appeal No.1354 of 2002 which has been dismissed for want of prosecution vide order dated 1st August 2019.

2. Learned APP submit that inadvertently the concerned prosecutor did not attend the matter. Vide common order several appeals were dismissed for default since nobody represented the State.

3. Learned counsel for respondent nos.1 and 2 submit that appeal is pending since 2019. The concerned prosecutor was not present when the appeal was called out. Hence no case is made out for restoration of appeal. As noted hereinabove, this Court had dismissed the appeal since nobody represented the State of Maharashtra.

4. In the interest of justice and for the reasons stated in the application, the order dismissing the appeal is required to be recalled.

ORDER

- (i) The order dated 1st August 2019 is recalled;
- (ii) Criminal Appeal No.1354 of 2002 is restored to file;
- (iii) Criminal Appeal No.1354 of 2002 be listed for hearing in due course;
- (iv) Interim Application No.1636 of 2019 is disposed off.

(PRAKASH D. NAIK, J.)

MST