

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

CRIMINAL INTERIM APPLICATION NO.855 OF 2019
IN
CRIMINAL WRIT PETITION NO.4164 OF 2019

Deepak Mohanlal Gohil ...Applicant
Versus
The State of Maharashtra and Ors. ...Respondents

Ms. Shweta Yadav i/b SAVJ Law Solutions, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent No1– State.

CORAM : REVATI MOHITE DERE, J.

DATE : 17th MARCH 2022

P.C. :

1. Heard the learned counsel for the Applicant.
2. By this application, the applicant seeks recall of the conditional order dated 26th September 2019 and prays for restoration of Criminal Writ Petition No. 4164 of 2019, which was dismissed for non-removal of the office objections within the stipulated time as directed vide the said order.

3. Vide the said order dated 26th September 2019, notice was issued to the respondents. It appears that Mr. Prablin Singh Abrol has filed his Vakalatnama on behalf of the respondent No.2. Pursuant thereto, the learned counsel for the applicant was asked to serve the respondent No.2 by private service. Accordingly, on the last date an affidavit in support of the service was filed by the learned counsel for the applicant to show service on the advocate for the respondent No.2. Accordingly, the matter was stood over to 16th March 2022. On 16th March 2022, none appeared for the respondent No.2. Hence, in order to give one more opportunity to the advocate appearing on behalf of the respondent No.2, the matter was kept today. Even today, none appears on behalf of the respondent No.2. Hence, the application is take up for hearing.

4. Learned Counsel for the applicant states that due to misunderstanding and oversight of the Advocate Clerk, the affidavit in support of service was not filed on or before 10th October 2019.

5. For the reasons set out in the application, the application is allowed. The order dated 26th September 2019, is recalled and Criminal Writ Petition No. 4164 of 2019 is restored to file.

6. The Application is accordingly disposed of.

REVATI MOHITE DERE, J.