

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

***CRIMINAL INTERIM APPLICATION NO.710 OF 2023
IN
CRIMINAL APPEAL NO.954 OF 2019***

Nitesh Eknath Khandagle	...Applicant
Versus	
State of Maharashtra and Ors.	...Respondents

Mr. Satish R. Mishra, for the Applicant.

Mr. V. B. Konde-Deshmukh, A.P.P for the Respondent Nos.1 and 2 – State.

Mr. Sarfaraz Shaikh i/b Ms. Chaitrali Deshmukh, for the Respondent No.3.

***CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.***

DATE : 27th JUNE 2023

P.C. :

1. Heard learned counsel for the parties.
2. By this interim application, the applicant seeks recall of the order dated 29th November 2022, passed by this Court in Interim Application No.2928 of 2023, and prays for restoration of Interim

Application No.2928 of 2023, which came to be dismissed for non-prosecution, as none was present on behalf of the applicant.

3. Learned Counsel for the respondent No.3 vehemently opposes the interim application. He submits that even earlier the restoration application has been dismissed by this Court for non-appearance of the applicant. He submits that if the Court is inclined to allow the said application, appropriate costs be imposed of the applicant.

4. For the reasons set out in the application, the application is allowed. The order dated 29th November 2022, is recalled and Interim Application No.2928 of 2022, is restored back to its original file, subject to the applicant paying costs of Rs.5,000/- to the respondent No.3, within one week from today.

5. Interim Application is accordingly disposed of.

6. Stand over to **11th July 2023**, for recording compliance of the said deposit of costs.

GAURI GODSE, J.

REVATI MOHITE DERE, J.