

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1055 OF 2023
IN
CRIMINAL APPEAL NO. 715 OF 2022

Jabbar Asalat Ansari .. Applicant
Versus
The State of Maharashtra & Anr .. Respondents
...

Ms. Farheen Chaudhary for the applicant.
Mr. Vaibhav S for respondent No.2.
Ms. Anamika Malhotra, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 30th MARCH 2023

P.C:-

1 By the present application, the applicant seeks restoration of the Criminal Interim Application No. 2339 of 2022, which was dismissed in default on 8/02/2023.

2 Heard learned counsel for the applicant and perused the application. Undisputedly the Court is perfectly justified in dismissing the application as none represented the applicant/appellant, when the matter was kept in the afternoon session. However, equally settled is the position of law that for the fault of the counsel, a client cannot be put in disadvantageous position. Only on this principle of law, I deem it appropriate to restore the Interim Application No. 2339 of 2022 to its file.

Interim Application No. 1055 of 2023 is made absolute in the aforesaid terms.

3 On restoring the Interim Application No. 2339 of 2022, list it on 31/03/2023, first on board.

(SMT. BHARATI DANGRE, J.)