

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

**INTERIM APPLICATION NO.2332 OF 2023
IN
CRIMINAL WRIT PETITION NO.5247 OF 2019**

Rajesh Sakaldev Yadav ...Applicant
Versus
The State of Maharashtra & Anr ...Respondents

Mr. Viral Rathod a/w A.A. Sothe, Seema Yadav & Saima Sothe,
Advocate for Applicant.

Mr. A.R. Patil, APP for State/Respondent No.1.

Mr. Prajot H. Jaggi a/w Daksha A. Parmar, i/b D.B. Savant,
Advocate for Respondent No.2

**CORAM : SARANG V. KOTWAL, J.
DATE : 25th SEPTEMBER 2023**

PC :

1. This is an Application for restoration of the Criminal Writ Petition No.5247 of 2019. Learned Counsel for the Applicant submitted that due to some miscommunication between the Applicant and his earlier Advocate, the matter remained unattended and, therefore, it was dismissed for non-prosecution. He submitted that, in the interest of justice, the matter be restored.

2. Learned Counsel for the Respondent No.2 opposed this

prayer for restoration. He submitted that no sufficient cause is shown for restoration of the Writ Petition. He submitted that the Petitioner has not been fair in filing different Petitions.

3. I have considered these submissions. Since the Writ Petition was dismissed for non-prosecution, in the interest of justice, the Writ Petition can be restored with some cost payable to the Respondent No.2 by the Applicant. The Petition can then be decided on merits of the matter.

4. Considering this, the following order is passed:

ORDER

- i) The Criminal Writ Petition No.5247/2019 is restored to its file on the condition that the Applicant/Petitioner pays Rs.10,000/- by way of cost to the Respondent No.2 directly within a period of two weeks from today.
- ii) If such payment is made, the Applicant/Petitioner shall produce an acknowledgment to that effect in

the Registry. Only then the Writ Petition shall be restored to its file. The parties are free to take circulation of the restored Petition.

iii) The Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)