

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3231 of 2023
IN
WRIT PETITION NO. 348 of 2023

Amit Ramchandra Gupta .. Applicant
Versus
State of Maharashtra & Anr .. Respondents

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Mr. V.V. Tapkir for the applicant.
Mr.S.R. Agarkar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 5th SEPTEMBER, 2023

P.C:-

1 Interim Application seek condonation of delay of 58 days in filing an application seeking restoration of the Criminal Writ Petition No. 348/2023 which came to be dismissed for want of prosecution. On 13/4/2023, after taking note of the persistent default of the petitioner on the previous dates, the Petition was dismissed.

2 Heard learned counsel for the petitioner and perused the application.

The position of law being well settled that the petitioner/applicant before a Court, cannot be subjected to

inconvenience and shall not suffer on account of the default of his counsel and since the application clearly stipulate that there was inaction on part of the earlier counsel and no lapse is attributed to him, I deem it appropriate to allow the application and permit restoration of the Writ Petition No. 348/2023 to be heard on merits.

Interim Application stands allowed in terms of prayer clauses (a) to (c).

List the Petition for hearing on 26/9/2023.

(SMT. BHARATI DANGRE, J.)