

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4073 OF 2023

IN

CRIMINAL APPLICATION NO. 1475 OF 2010

Suresh Subrai Vaingankar & Ors.

.. Applicants/Accused

Vs.

The State of Maharashtra & Anr.

.. Respondents

Mr. Karan Mehta a/w Nishant Shah a/w Shubham D. for the Applicants.

Mr. Y. M. Nakhwa, APP for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 28th NOVEMBER, 2023.

P. C.:-

1) Record indicates that, by an Order dated 24th January, 2011, the Applicants were permitted to annex copy of charge-sheet and to include averments for its challenge. Despite lapse of more than a decade, the Applicants did not comply with the Order dated 24th January, 2011.

2) It is the settled position of law that, a litigant cannot blame his/her Advocate, that the Advocate did not take necessary steps for complying with the Orders passed by the Court. It is the equal responsibility of the litigant to follow his/her own case diligently and they cannot be permitted to put blame on their Advocate for non-compliance of the Orders passed by the Court.

3) In view thereof, after lapse of over twelve years, the Applicants ceased to have their right for compliance of Order dated 24th January, 2011. As far as prayer clause (b) is concerned, the Applicants are permitted to delete Applicant No. 4 and Respondent No.2 from the cause title and prayer clauses.

4) Amendment be carried out within a period of two weeks from today in the record of Court and simultaneously in the copies served upon the learned Advocate for the Respondents.

5) List the Criminal Application No.1475 of 2010 on final hearing board for the week commencing from 11th December, 2023.

6) Interim Application No. 4073 of 2023 is disposed off.

(SHYAM C. CHANDAK J.)

(A. S. GADKARI, J.)