

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION [APPP] NO. 1678/2022.**

Parag Amrut Barate and another.

**-VERSUS-**

The State of Maharashtra and another.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

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Shri A.S. Reddy, Advocate for Applicants.  
Shri S.A. Ashirgade, Addl.P.P. for Non-applicant No.1.

**CORAM : VINAY JOSHI AND**  
**VALMIKI SA MENEZES, JJ.**

**DATE : FEBRUARY 16, 2023.**

Heard.

2. Applicants have earlier filed an application (APL No.639/2022) in terms of Section 482 of the Code of Criminal Procedure seeking to quash the first information report.

3. Since applicants and their counsel persistently remained absent, Criminal Application came to be dismissed for want of prosecution with costs of Rs.5000/-.

4. Applicants have deposited the costs and

seek recalling of the order of dismissal. It is submitted that the concerned arguing Counsel is from Aurangabad and on the date of dismissal, he was unable to attend the Court due to some constraints.

5. For the reasons stated in the application and to sub-serve the interest of justice, the same is allowed and disposed of. The order of dismissal is recalled. Criminal Application is restored back to file. Issue notice of restoration to non-applicants, returnable on 03.03.2023. Learned A.P.P. waives notice for non-applicant no.1. Learned A.P.P. upon instructions submitted that already investigation is complete and police is about to file charge sheet.

**JUDGE**

**JUDGE**