

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

CRIMINAL APPLICATION [APPP] NOS. 1758 & 1757 OF 2022
IN CRIMINAL APPLICATION [APL] NO. 469/2019.

Faruk Harun Chini and others.

-VERSUS-

State of Maharashtra and another.

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

Court's or Judge's Orders

Shri S.A. Mohta, Advocate for Applicants.
Shri M. Khan, A.P.P. for Non-applicant No. 1.

CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.
DATE : MARCH 02, 2023.

Heard.

2. These applications are filed seeking condonation of delay of 7 days and for restoration of Criminal Application No.469/2019, which came to be dismissed for want of prosecution vide order dated 03.10.2022.

3. Applicants had earlier engaged Shri Jaiswal, Advocate who unfortunately expired during Covid 19 Pandemic. Since nobody

represented applicants, the matter came to be dismissed for want of prosecution.

4. There is no dispute that the learned Counsel appearing for applicants at the earlier point of time expired, and thus the matter resulted into dismissal in default. The applicants have deposited an amount of Rs.5,000/- as ordered by this Court while dismissing the application.

5. Death of Advocate can be construed as a sufficient cause and therefore, we allow the application for condonation of delay and further restore the matter back to file at its original stage.

6. Issue notice of restoration of Criminal Application No.469/2019 to non-applicants, returnable on 30.03.2023. Learned A.P.P. waives notice for non-applicant no.1.

JUDGE

JUDGE