

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF DELAY)  
NO. 14717 of 2024****In R/CRIMINAL MISC.APPLICATION NO. 18602 of 2024  
With****R/CRIMINAL MISC. APPLICATION NO. 18602 of 2024  
In R/SPECIAL CRIMINAL APPLICATION NO. 5276 of 2023  
With****R/SPECIAL CRIMINAL APPLICATION NO. 5276 of 2023**=====  
PANNABEN GIRISHBHAI PATADIYA

Versus

STATE OF GUJARAT & ORS.  
=====

Appearance:

MS AKANKSHA DWIVEDI FOR MR GAJENDRA P BAGHEL(2968) for the  
Applicant(s) No. 1MR SOHAM JOSHI, ADDL.PUBLIC PROSECUTOR for Respondent No.1  
=====**CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI****Date : 19/09/2024  
ORAL ORDER****ORDER IN DELAY CONDONATION APPLICATION :**

1. This is an application, filed under Section 5 of the Limitation Act, seeking condonation of delay of 218 days, caused in filing the restoration application.

2. Having heard the learned Advocates for the parties and having satisfied with the grounds urged for not filing the restoration application within the period of limitation, this application deserves to be allowed.

3. Resultantly, this application is allowed and the delay of 218 days is condoned.

ORDER IN RESTORATION APPLICATION :

4. This is an application filed by the applicant, seeking restoration of the main matter, i.e. Special Criminal Application No.5276 of 2023, which came to be dismissed for non-prosecution *vide* order dated 06.11.2023.

5. Having heard the learned Advocates for the parties and having satisfied with the grounds urged in this application, this application deserves to be allowed.

6. Resultantly, this application is allowed and the main matter i.e. Special Criminal Application No.5276 of 2023 is restored to its original status on file.

ORDER IN SPECIAL CRIMINAL APPLICATION :

7. Learned advocate Ms.Akanksha Dwivedi for learned advocate Mr.Gajendra P. Baghel appearing for the petitioner withdraws this petition with liberty to avail remedy as stated in the judgment of Hon'ble Supreme Court in case of **Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhage and others – (2016) 6 SCC 277**. The petition stands disposed of as withdrawn with liberty reserved as above.

**(J. C. DOSHI, J)**

GAURAV J THAKER