



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 268 OF 2020
IN APPLN/451/2019

Harjot Singh Charanpal Singh Batra,
Age : 38 years, Occu. : Business,
R/o. Plot No.67/68, Flat No.106,
Rukhmani Apartment, Jyoti Nagar,
Aurangabad.

... Applicant
(Orig. Complainant)

Versus

Nitin S/O. Avinash Gundewar,
Age : 38 years, Occu. : Business,
R/o. Plot No.26, Sanjay Housing Society,
Peer Bazar Road, Osmanpura, Aurangabad

... Respondent
(Orig. Accused)

...

None for applicant
Advocate for Respondent : Mr. Ambar S. Barlota

...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 21st MARCH, 2024

PER COURT :

1. Above application is filed praying to condone the delay of two days caused in filing application for setting aside order of this court dated 16.12.2019 in Criminal Application No.451 of 2019.

2. Instant application seems to be filed in 2020, praying to condone the delay of 2 days caused in filing application praying to

set aside the order passed by this court in Criminal Application No. 451 of 2019 on 16.12.2019 and to restore the matter.

3. This matter is appearing on board since October 2023. sole respondent has already caused appearance on 18.01.2024, but learned counsel for applicant did not cause appearance either in the morning session and in the afternoon session, and therefore, matter was adjourned to 22.02.2024. On said date, again matter was called in both morning session as well as afternoon session, but none appeared. Therefore, as a last chance, matter was adjourned and kept on 21.03.2024 i.e. today. Even today, matter was called out in the morning session, as none appeared for applicant, it was kept back and even on second call when none was present, matter was kept in afternoon session. Learned counsel for respondent was present in both sessions and learned counsel for applicant was absent, and therefore, matter is kept for order.

4. The above discussion shows that, instant application is for condonation of delay caused in filing application for setting aside order of dismissal in default passed by this court in Criminal Application No. 451 of 2019 dated 16.12.2019. However, in spite of repeatedly and periodically matter appearing on the board, no efforts are made whatsoever to prosecute the application. Initial

Criminal Application bearing No. 451 of 2019 was also for condonation of delay caused in filing leave to file appeal and the same was dismissed for default. Same history is repeated now also and there is no diligence on the part of applicant to workout the matter. Consequently, instant application also should meet the same fate.

5. Application is dismissed for want of prosecution.

(ABHAY S. WAGHWASE, J.)