



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**928 CRIMINAL APPLICATION NO. 2505 OF 2024
IN CRIWP/816/2021**

MUKUND BALVIRSINH THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for Applicant : Mr. Vijay Bhalerao Patil
APP for Respondent Nos. 1 to 4-State : Mr. S. V. Hange
.....

**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 13 AUGUST 2024

PER COURT :-

1. Present application has been filed for condonation of delay of 653 days in filing an application for restoration of Criminal Writ Petition No. 816 of 2021 which was dismissed on 11.08.2022 by this Court.

2. Heard learned counsel for the applicant and learned APP for respondent nos. 1 to 4.

3. At the outset, we would like to say that as regards this application is concerned, we are only concerned as to whether the delay has been explained by the applicant sufficiently and reasonably

or not. It has been stated in the application that when the order was passed by this Court on 11.08.2022, at that time the applicant was declared as absconding. Later on, he came to be arrested and was released on regular bail on 31.10.2023.

4. The first and foremost fact in this respect we would like to say that if the applicant can file the earlier application when he was still allegedly absconding, then, certainly he could have filed the application for restoration immediately and for that purpose, he ought not to have waited for his release on regular bail. Even if we take the said date of grant of regular bail to him i.e. 31.10.2023 as a starting point, still the present application has been filed on 09.06.2024. The applicant says that thereafter he collected the documents and after discussion, he decided to file present application. Details are not given as to when he collected which documents. Very vague reason is mentioned, rather, whether we can say it as a reason itself is a question. Therefore, when the delay is not explained reasonably and cogently, then, it cannot be condoned. The application stands rejected.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]