



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

924 CRIMINAL APPLICATION NO. 2534 OF 2024
IN APPLN/2403/2023

Mahadev Shivaji Devde

....Applicant

VERSUS

The State of Maharashtra & another

.....Respondents

.....

Mr. K. T. Shirrurkar, Advocate for Applicant.

Dr. K. B. Bharaswadkar, APP for the State.

**CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ.**

DATE : 21st AUGUST, 2024.

PER COURT :

1. Present Application has been filed for condonation of delay of 82 days in filing Criminal Application for recall of order dated 06.03.2024 in Criminal Application no. 2403/2023.

2. Perusal of the record shows that notice was issued to the Respondents. Learned APP had waived for Respondent No. 1. As regards notice of Respondent No. 2 is concerned, it was returned unserved on the ground that he is not residing at the given address and therefore steps were supposed to be taken by the Applicant for serving the Respondent No. 2. Those steps have not been taken and

therefore ultimately, conditional order was passed that if steps are not taken and the office objections are not removed within four weeks, the matter would stand dismissed automatically. This order came to be passed on 06.03.2024. In spite of grant of four weeks time, it appears that neither steps were taken nor office objections were removed and therefore, it resulted in dismissal of the Application.

3. Now in the Application, the learned Advocate for the Applicant has taken it upon himself and by tendering unconditional apology, he has stated that he is ready to work out the matter. The client should not suffer due to mistake committed by the Advocate and therefore, the delay stands condoned. Application stands allowed and disposed of. Criminal Application No. 2403/2023 is restored to the file by recalling order dated 06.03.2024. Time of two weeks is granted to the Applicant to take steps as against Respondent No

. 2 and for removal of office objections. However, we once again state that in case of failure on the part of the Applicant to remove office objections as well as upon failure for taking steps against Respondent No. 2, the Application would stand dismissed automatically without

reference to the Court. If steps are taken in the form of giving fresh address of Respondent No. 2, then issue notice to the Respondent No. 2 to be made returnable four weeks thereafter.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

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