



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 CRIMINAL APPLICATION NO. 3998 OF 2024
IN
CRIMINAL APPLICATION NO.6774 OF 2017

Ramesh Tukaram Diwate
VERSUS
The State Of Maharashtra

.....
Mr. Mohasin Khan, Advocate for Applicant
Mr. V.M. Chate, APP for Respondent – State
.....

[CORAM : Y. G. KHOBRADE, J.]

DATE : 02nd DECEMBER, 2024

ORDER :

1. Learned counsel for the applicant served the copy of application to the learned APP for respondent – State.
2. Heard the learned counsel appearing for the applicant as well as the learned APP for respondent – State at length.
3. By the present application, the applicant prayed for restoration of the original application, which came to be dismissed for want of prosecution vide order dated 13.08.2024.
4. Learned counsel appearing for the applicant submits that on 13.08.2024, the counsel for the applicant was present through video conference, but due to technical problem, his voice was not audible to the Court, therefore, the counsel

could not make submissions, and this Court dismissed the application for non-prosecution on the ground that none appeared on behalf of the applicant.

5. No doubt, the learned APP for respondent-State resisted the application. However, considering the ratio laid down in *Rafiq and another Vs. Munshilal and another AIR 1981 Supreme Court, 1400*, the order dated 13.08.2024 passed by this Court is hereby recalled, and criminal application No.6774/2017 is restored to its original stage on which it was dismissed for default.

6. Accordingly, the application for restoration is disposed of.

7. It is made clear that if the petitioner would not argue criminal application no.6774/2017 on merit, on the next date, in that event, the appropriate order would be passed.

8. With the consent of both the sides, list the criminal application no.6774/2017 on 14.12.2024.

[Y. G. KHOBRAGADE]
JUDGE