

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.3190 OF 2023
IN
CRIMINAL APPLICATION NO.48 OF 2022**

Sanjivani Prashant Chopade Applicant

versus

The State of Maharashtra & Anr. Respondents

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- Mr. Sharad T. Bhosale, Advocate for Applicant.
- Mr. Ajay S. Patil, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.
DATE : 13th NOVEMBER, 2024**

P.C. :

1. This is an application for restoration of the Criminal Application (APL) No.48 of 2022, which was dismissed for non-prosecution vide the order dated 15/06/2023.

2. Learned counsel for the Applicant submitted that he was in the premises of this Court, but by the time he rushed to the Court room, the matter was called out and dismissed. His not attending the Court was not intentional. He submitted that in the interest of justice, the main application be restored.

3. We have considered these submissions and we have also perused the order dated 15/06/2023 dismissing the main application. It was observed in that order that the main application was filed on 14/12/2021, but thereafter no efforts were taken to get the matter circulated. This practice has to be curbed. Therefore, though in the interest of justice, we are inclined to restore the main application, we are also inclined to impose cost on the Applicant. Therefore, the restoration would be conditional.

4. Hence, the following order :

ORDER

- (i) The Criminal Application (APL) No.48 of 2022 is restored to its original file on the condition of the Applicant depositing Rs.5,000/- with Bar Council of Maharashtra and Goa, within a period of two weeks.
- (ii) The matter shall be restored only if the said amount is paid and acknowledgment is shown in

the Registry. If the cost is deposited, the Criminal Application (APL) No.48 of 2022 be listed for admission on 11/12/2024.

(iii) The Interim Application is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)