

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 553 OF 2018**

Vijay Rajaram Dhone

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Adv. Shubhankar Kulkarni i/by Adv. Pavan Patil for the Applicant.
Mr. Ajay Patil APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**
DATE : 25th APRIL, 2024.

P.C.:-

- 1) Record indicates that, present Application was filed on 10th May, 2018 and since then neither the Applicant nor his Advocate on record circulated the matter even for once for admission.
- 2) Today, old matters are listed by us on Board. When the Application was called out for hearing in the morning session, Advocate Mr. Kulkarni appeared and submitted that, Advocate on record for the Applicant Mr. Pavan Patil is suffering from viral fever and sought adjournment. We therefore told him to produce the Medical Certificate of Mr. Pavan Patil.
- 3) Perusal of record indicates that, joint Vakalatnama of Mr. Pavan S. Patil and Mr. L.K. Jhunjhunwala is filed on behalf of the Applicant.

3.1) We therefore asked Advocate Mr. Kulkarni to call Advocate Mr. Jhunjhunwala to workout the Application and the Application was kept back in the second session, for hearing.

4) In the second session, Advocate Mr. Kulkarni submitted that, Advocate Mr. Jhunjhunwala is unable to attend the Court due to professional pre-occupation and seeks accommodation. As noted earlier we had told Mr. Kulkarni to produce on record the Medical Certificate of Advocate Mr. Pavan Patil. Upon a query to that effect, he submitted that, on the next date he will produce the Medical Certificate of Mr. Pavan Patil. We are having our own doubt about the bonafide claim of Advocate Mr. Pavan Patil about his alleged illness.

5) We had therefore directed Advocate Mr. Kulkarni to call for even a photocopy of Medical Certificate of Mr. Pavan Patil through electronic mode i.e. on mobile phone and take print out of the same and produce it and kept the Application back for 15 minutes.

6) After 15 minutes matter was again called out. Advocate Mr. Kulkarni could not produce a copy of Medical Certificate of Advocate Mr. Pavan Patil and a consistent plea was adopted that, Mr. Pavan Patil is suffering from viral fever and therefore adjournment was sought. In the absence of any contemporaneous record, we are unable to accept such a plea.

7) It appears that, Applicant is not interested in pursuing present Application.

8) In view of the above, Application is dismissed for want of prosecution.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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