

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.3403 OF 2017**

Smt. Ispras Aavelin Noon & Ors.

... Petitioners

V/s.

The State of Maharashtra & Ors.

... Respondents

Ms. Namrata A. Kadam i/b Mr. Amar Bhatt for Petitioners.

Ms. Geeta N. Sharma for Respondent No.1-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 23rd February 2024

P.C. :

1) Present Petition was called out for hearing in the morning session, when Advocate Ms. Kadam, for Petitioners submitted that, the Advocate on record is not keeping well and therefore Petition may be adjourned.

2) We pointed to her that, since the date of filing of Petition, i.e. 28th August 2017, neither the Petitioners nor their Advocate on record took any efforts, even to circulate the Petition for once and therefore safe inference can be drawn that, the Petitioners are not interested to pursue the Petition. We therefore had expressed our view that, not to adjourn the matter and had directed Advocate Ms. Kadam to read the brief from record of Court and assist this Court in adjudication of the Petition. Petition was therefore kept

back and called out for hearing in the second session at about 02.55 p.m..

At that time also, Advocate Ms. Kadam, sought an adjournment on the ground that, the Advocate on record for the Petitioners is not keeping well. We therefore put a query to her, as to what is the ailment from which the Advocate on record is suffering from and to produce the medical certificate along with an application for adjournment in that behalf. We also pointed out our directions to read the brief and to proceed with the hearing of the Petition. She expressed her inability to assist this Court in the hearing the Petition for want of instructions from her senior. It is thus clear that, the directions issued by this Court to Advocate Ms. Kadam were not followed by her.

3) Advocate Ms. Kadam, therefore again sought time to produce the medical certificate along with an application for adjournment on record and therefore Petition was kept back and called out for hearing at the end of the Board. When the Petition is called out for hearing now, i.e. at the end of board, none appears for the Petitioners.

4) From the above noted facts, a safe inference can be drawn that, the Petitioners are not interested in pursuing the Petition.

5) Dismissed for want of prosecution.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)