

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2125 OF 2024
IN
CRIMINAL APPLICATION (APL) NO. 1376 OF 2011**

Chandubhai Narayandas Patel And Ors. .. Applicants

Versus

The State Of Maharashtra And Ors. .. Respondents

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Mr. Omkar Dhakal i/b Ms. Mallika Ingale, for the Applicants.

Mr. J. P. Yagnik, A.P.P. for the State/Respondent.

Mr. Chaitanya Mulawkar i/b Mr. Sandeep S. Salunkhe, for the
Respondent No.3.

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**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 19th JUNE, 2024**

P.C:-

1. Criminal Application (APL) No. 1376 of 2011 was admitted by this Court on 12.12.2012.

It appeared on the board of the Division Bench on 31.08.2023 and in absence of the parties, the same was dismissed for non-prosecution.

2. The present Application is taken out seeking restoration and the reason for this laps in not attending the

matter is specifically set out in paragraph No.7 to the effect that the Advocate did not notice the matter due to oversight and hence there was failure to attend the proceedings.

Paragraph No.9 has also given the reason for not applying for restoration as it was only on 10.05.2024, the Advocate on record came across the order of dismissal of the Criminal Application and therefore there is a delay of 234 days in filing the restoration application.

On hearing the counsel for the Applicant and perusal of the Application, we are of the opinion that the delay is bonafide and the dismissal of the proceedings on 31.08.2023 in absence of the counsel is not a deliberate act to avoid the proceedings but it is by inadvertence the matter was not marked which resulted into its dismissal.

3. In the wake of the above, we deem it appropriate to restore the Criminal Application (APL) No. 1376 of 2011 to its file, subject to payment of cost of Rs.10,000/- to be deposited in Kiritikar Law Library.

List the Criminal Application (APL) No. 1376 of 2011 for hearing on 16.07.2024, with an understanding that it shall be heard finally.

(MANJUSHA DESHPANDE,J.)

(BHARATI DANGRE, J.)