

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2550 OF 2024

SANTOSH
SUBHASH
KULKARNI

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Date: 2024.07.16
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PRIYANKA SUSHANT SAWANT AND ANR ...Applicant
Versus
THE STATE OF MAHARASHTRA AND ANR ...Respondents

Mr. Shaikh Asif Ali, for the Applicant.
Mr. A. A. Naik, APP for the State/Respondent No.1.
Mr. Avdesh Kanoojiya, i/b Arun Gupta, for the Intervener.
PSI Nilesh Rajput a/w Sanjay Patil, Antop Hill Police Station,
present.

CORAM: N. J. JAMADAR, J.
DATED: 15th JULY, 2024

PC:-

1. Heard the learned Counsel for the parties.
2. This application is preferred to set aside the order dated 26th June, 2024, whereby ABA/3160/2023 came to be dismissed when none had appeared for the applicant. The learned Counsel for the applicant submits that applicant No.2 – Sushant Sawant has already been arrested. The application came to be dismissed for want of prosecution, as the Advocate, who was engaged by the applicants, had not appeared.
3. It is trite, a party should not be made to suffer for the inadvertence or default on the part of his Advocate. Thus, in

order to advance the cause of substantive justice, the order of dismissal dated 26th June, 2024 stands recalled.

4. ABA/3160/2023 is restored to file qua applicant No.1. Priyanka Sawant only.

5. Application disposed.

6. ABA/3160/2023 be listed for hearing on 23rd July, 2024.

[N. J. JAMADAR, J.]