

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.2876 OF 2024****IN****CRIMINAL WRIT PETITION NO.2656 OF 2023**

Mushtaq Shabbir Momin

.....Applicant

In the Matter Between:

Mushtaq Shabbir Momin

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Ms. Asha Kanzariya i/b Mr. Vijay Upadhyay, for the Applicant.

Smt. Mahalakshmi Ganapathy, APP for Respondent No.1-State.

Mr. Shubham Sane i/b Adv. Priyal G. Sarada, for Respondent No.2.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.****DATE : 10th OCTOBER 2024.****P.C.:-**

1) This is an application for restoration of Criminal Writ Petition No.2656 of 2023, which stood dismissed as an effect of the order dated 11th August 2023 passed in the main Writ Petition. Notice was issued to the Respondent No.2 making it returnable on 16th October 2023. However, spare copies were not supplied within the stipulated period and as per conditional order, Petition came to be dismissed. Now, this Interim Application is filed for condonation of delay of 150 days and for restoration of the main Writ Petition.

2) Learned counsel for the Applicant submitted that inadvertently the clerk of learned Advocate on record could not supply spare copies of the Petition. There was an unintentional lapse and in the interest of justice, Writ Petition be restored.

3) Considering this submission, we are inclined to allow this Application. Hence, following order:

ORDER

(i) Delay of 150 days in preferring this Application is condoned.

(ii) Criminal Writ Petition No.2656 of 2023 is restored to its original file.

(iii) Applicant/Petitioner shall furnish fresh spare copies of the Petition in the registry within a period of four weeks from today.

4) Applicant/Petitioner is at liberty to get the main Writ Petition circulated before the Court for admission by giving notice to other side.

5) The Interim Application is accordingly disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)