



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3665 OF 2024

IN

CRIMINAL APPLICATION NO.460 OF 2024

Shamim Ahmed Hashmi @ Samim Ahmed & Ors.Applicants

In the Matter Between:

Shamim Ahmed Hashmi @ Samim Ahmed & Ors.Applicants

Vs.

The State Of Maharashtra & Anr.Respondents

Mr. Mushahid Khan i/b. Ms. Shabnam Shaikh, for the Applicants.

Mr. R. M. Pethe, APP, for Respondent No.1-State.

**CORAM : SARNAG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.**

DATE : 8th OCTOBER 2024.

P.C.:-

1) This is an Application for restoration of Criminal Application No.460 of 2024. The said Application was dismissed for non-prosecution vide the order dated 21st June 2024. It was observed that despite circulating the Application, nobody appeared for the Applicants when matter was called out. When the matter came to be dismissed at that time, notice was not issued to Respondents.

2) Learned counsel submitted that there was some misunderstanding because in the *praecipe* which was circulated on 12th June 2024, the date of listing was not mentioned. Subsequently, again the circulation was sought on 2nd July 2024. Therefore, inadvertently the learned counsel for the Applicants missed the matter listed on board and therefore nobody remained present. In these circumstances, the Application came to be dismissed. He further submitted that the matter is now settled between the parties and the Applicants are seeking quashing by consent.

3) In these circumstances and particularly when the matter is settled between the parties, we are inclined to restore Criminal Application No.460 of 2024 to its original file.

4) Learned counsel for the Applicants is at liberty to get the matter circulated with notice to the other side.

5) The Interim Application is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)