

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3939 OF 2024****IN****CRIMINAL WRIT PETITION NO. 2195 OF 2024**

Mr. Ramesh Siddhappa Poojari

.....Applicant

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Deepak Gautam i/b Mr. Yogesh Shelar for the Applicant.

Ms. Mahalakshmi Ganapathy, A.P.P for the Respondent-State.

PI. Mr. Uday Kadam, Samta Nagar Police Station, Mumbai present.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**

DATE : 1st OCTOBER 2024.

PC:-

1) This is an Application for restoration of Writ Petition No. 2195 of 2024 which was dismissed for non-prosecution by Order dated 19th July 2024.

1.1) The reason for dismissal of the Petition is mentioned in paragraph No.1 of the said Order dated 19th July 2024, which reads as under:-

“1) *Despite circulating Petition, none appears for Petitioner when called out for hearing.*”

2) Today, the present Application for restoration is taken up for hearing at the request of learned Advocate for the Applicant. Mr. Deepak Gautam, learned counsel appearing for the Applicant today made a statement before this Court that, in the said Petition, this Court had granted circulation for 14th August, 2024, however it was listed on 19th July 2024 and therefore the Advocate for Applicant did not remain present. We therefore perused the entire original record.

2.1) A note dated 18th July, 2024 put up by the Registry specifically mentions that, in the said Petition circulation was granted for 19th July 2024.

2.2) Record further indicates that, Advocate Mr. Yogesh Shelar had circulated a *praecipe* dated 18th June, 2024 seeking circulation of the Petition, which was granted by this Court for 19th July 2024. After the said circulation was granted by this Court, the Registrar (Judicial) has endorsed the same on 18th June, 2024 itself.

2.3) The said record was pointed out to the learned counsel for the Applicant in the Court.

3) It is thus apparent that, the Applicant is making blatantly false statement before this Court for seeking restoration of the Petition. The

practice adopted by the Applicant is deprecated.

3.1) In view of the blatantly false statement made by the Applicant through his counsel, we are not inclined to grant any relief to the Applicant in the present Application.

3.2) Application is accordingly dismissed.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

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SHARNAPPA
MASHALKAR

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