

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 3988 OF 2024

IN

CRIMINAL APPLICATION NO. 976 OF 2022

Nilesh S/o. Shrikrishna ThakreApplicant

IN THE MATTER BETWEEN :

Nilesh S/o. Shrikrishna ThakrePetitioner

Versus

The State of Maharashtra & Anr.Respondents

Mr. Vishwanath Patil a/w Mr. Akshay Naidu & Mr. Shantanu Katkar,
Advocate for the Applicant.

Mr. Sukant A. Karmakar, A.P.P. for the Respondent-State.

Mr. Om N. Latpate, Advocate for Respondent No. 2.

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

DATE : 18th OCTOBER 2024.

P.C.:-

1. This is an Application for restoration of the Criminal Application No. 976 of 2022. The main Application is already admitted. It was called out on 4th September 2024, but since nobody appeared for the Applicant, it was dismissed for non-prosecution.

2. In this Application, it is contended that the Applicant has

good case on merits and he may not suffer because of the inaction on the part of Advocate on record. It is submitted that in the interest of justice, the Application be restored.

3. Considering that the Applicant himself was not responsible for dismissal of the main Application, in the interest of justice we are inclined to restore the main Application. Hence, the following order :

ORDER

- a. Application is allowed.
- b. Criminal Application No. 976 of 2022 is restored to its original file.
- c. With restoration of the main Application, the interim relief granted in that Application also stands revived because the learned counsel for the Applicant has submitted that a non-bailable warrant is issued against him. That warrant is stayed till final disposal of the main Application. The earlier interim order granted in the main Application shall stand revived.
- d. Application is disposed of accordingly.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)