

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4080 OF 2024
IN
CRIMINAL APPLICATION (APL) NO. 984 OF 2016

Shivprasad Chetai Kanojia .. Applicant
Versus
The State Of Maharashtra .. Respondent

...

Mr. Shivprasad C. Kanojia, in-person.

Mr. J. P. Yagnik, A.P.P. for the State/Respondent.

...

CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 13th NOVEMBER, 2024

P.C:-

1. Mr. Shivprasad C. Kanojia is present in-person who seek restoration of the Criminal Application (APL) No. 984 of 2016, which was dismissed for want for prosecution on 03.10.2023 and/or 07.10.2023.

We have heard him and perused the Application, where he make a request for restoration of the Application by condoning the delay of 365 days in its filing.

The Applicant who appear in-person has categorically set out the grounds in paragraph Nos. 3 and 4.

We are satisfied with the justification offered that his absence before the Court on the particular day was not intentional but he was unaware of the listing of the matter and hence he did not mark his appearance.

Finding sufficient justification for not approaching the Court immediately and since we find that the Application is made bonafide, we deem it appropriate to allow the same by restoring the Criminal Application to its file.

Interim Application is made absolute in terms of prayer clauses (b) and (c).

We direct the Applicant to serve the copy of the Criminal Application on the learned A.P.P.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)