



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4484 OF 2024

IN

CRIMINAL WRIT PETITION NO.2064 OF 2016

Ajay Radhaprasad Singh

.....Applicant

In the Matter Between:

Ajay Radhaprasad Singh

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Smt. Manjula Rao, Senior Advocate with Ms. Muskan Chitre & Mr. Alok Kanojiya & Mr. Pratik Deomore, i/b. Mr. Rohan Deshmukh, for the Applicant.

Mr. S. A. Karmakar, APP for Respondent No.1-State.

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

DATE : 22nd OCTOBER 2024.

P.C.:-

1) This is an Application for restoration of main Writ Petition No.2064 of 2016. The said Writ Petition was admitted vide order dated 20th November 2017 and Rule was issued. Ad-interim granted earlier was directed to remain in force during the pendency of this Writ Petition.

2) In the main Petition, the remark shows that a notice issued to the Respondent No.2 was received back duly served. The matter appeared on the final hearing board and it was called out on 10th June 2024. The Petition was filed by Advocate Shri.Kansara. During pendency of the Petition, he has passed away and no fresh *vakalatnama* of any other Advocate was filed. In the process when the matter was called out on 10th June 2024, nobody could appear for the Petitioner and it was dismissed for non-prosecution. The Respondent No.2 was neither present nor represented through any Advocate on that day.

3) Considering that the Advocate for the Petitioner has passed away, we are inclined to allow this Application. There is a delay of 90 days in filing the present Application for restoration. Hence, the following order:

ORDER

- (i) The delay of 90 days in filing the present Application is condoned.
- (ii) The Writ Petition No.2064 of 2016 is restored to its original file and be listed for final hearing in due course.
- (iii) Interim relief granted earlier shall stand revived.

(iv) In the interest of justice, issue fresh notice to the Respondent No.2 for final disposal of the main Writ Petition.

(v) The Application is disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)