

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPP) NO.1977/2023

IN

CRIMINAL APPLICATION (APPP) NO.1975/2023

IN

CRIMINAL APPLICATION (APL) NO.941/2023 (D)

(Deep S/o Ramesh Saktel Vs. State of Maharashtra and another)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. Bhushan Dafle, Advocate for the applicant.
 Mr. A.B. Badar, A.P.P. for the non-applicant No.1/State.

CORAM: SMT. VIBHA KANKANWADI & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 18.6.2024.

Heard.

2. Present application has been filed for condoning the delay of 69 days in filing the application for restoration of Criminal Application (APL) No.941/2023.

3. Learned A.P.P. waives notice for non-applicant No.1.

4. As regards the main application is concerned though notice was ordered to be issued by this Court to original non-applicant No.2 copy was not supplied by the applicant and, therefore, the applicant was directed to give copy within two weeks and then the conditional order was that in case of failure, the application would stand dismissed. Thus, the original non-applicant No.2 never appeared in the matter and, therefore, it is not necessary to issue notice now to him.

5. The ground for delay is stated to be inadvertence and the learned Advocate for the applicant takes it upon him that he could not supply the copy within time that was

granted by this Court. Taking into consideration the reason stated, delay stands condoned and in view of the undertaking that the applicant would supply the copy of the original application for serving it to non-applicant No.2 within a period of two weeks, the application for restoration also deserves to be allowed. Hence the following order:-

Delay stands condoned. Application to that effect stands allowed and disposed of. Miscellaneous Criminal Application (APPP) No.1975/2023 for restoration also stands allowed and disposed of.

6. Applicant to provide copy of Criminal Application No.941/2023 for serving it to non-applicant No.2 within a period of two weeks. If the copy is supplied, issue notice to non-applicant No.2 to be made returnable on 11.7.2024.

(MRS.VRUSHALI V.JOSHI,J.)

(SMT. VIBHA KANKANWADI,J.)