



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

**5 CRIMINAL APPLICATION NO. 2495 OF 2025
IN APPLN/3096/2024**

1. Dinesh S/o. Ramesh Badgujar,
Age : 36 Years, Occu. : Service,
R/o. Plot No.8, Ekdant Villa Building,
Gat No.93/3/4, Dadawadi Parisar,
Jalgaon, Tq. & Dist. Jalgaon.
2. Ramesh S/o. Narayan Badgujar,
Age : 69 Years, Occu. : Agri.,
R/o. Plot No.8, Ekdant Villa Building,
Gat No.93/3/4, Dadawadi Parisar,
Jalgaon, Tq. & Dist. Jalgaon.
3. Sarlabai W/o. Ramesh Badgujar,
Age : 66 Years, Occu. : Household,
R/o. Plot No.8, Ekdant Villa Building,
Gat No.93/3/4, Dadawadi Parisar,
Jalgaon, Tq. & Dist. Jalgaon.
4. Kalpana W/o. Sahebrao Badgujar,
Age : 36 Years, Occu. : Household,
R/o. Bamrud, Tq. Pachora,
Dist. Jalgaon.

.... Applicants

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Dhule Taluka Police Station,
Tq. & Dist. Dhule.
2. Dipali W/o. Dinesh Badgujar,
Age : 30 Years, Occu. : Household,
R/o. Ajinkya Tara Society,
Near Sindhuratna High School,
Sakri Road, Dhule, Dist. Dhule.

.... Respondents

....
Advocate for Applicants : Mr. Manikrao L. Wankhade
APP for Respondent No.1-State : Mr. S.A. Gaikwad
....

**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

Dated : 23rd July 2025

PER COURT :-

1. The present application has been filed for condonation of delay of 113 days in filing the application for recall of order dated 31.01.2025 in Criminal Application No.3096 of 2024 and for the restoration of said criminal application.
2. Heard learned Advocate Mr. Manikrao L. Wankhade, for the applicants. No necessity to issue notice to respondent No.2 as in the original matter itself, notice was not issued.
3. We have perused the original record of Criminal Application No.3096 of 2024. It can be seen that the notice was issued by order dated 16.12.2024 to the respondents. Learned APP had waived the notice for respondent No.1-State and the notice of respondent No.2 was made returnable on 31.01.2025. However, the spare copy was not supplied by the learned Advocate for the applicants for serving respondent No.2 and therefore, the matter was

dismissed accordingly. A conditional order came to be passed on 31.01.2025. A time of two weeks was granted to the applicants to supply the spare copy and it was stated that if the copies were supplied, then notice to be issued, but, in case of failure, the application would stand dismissed automatically without further reference to the Court.

4. It appears that the applicants herein failed to supply the copies within the said period of two weeks. Now, it is stated that the order came to be uploaded on 04.02.2025 and therefore, the concerned Advocate could not notify the matter and could not supply the spare copy. He states that his father was suffering from paralysis and unfortunately, he expired on 28.02.2025. Learned Advocate was busy with the last rituals and thereafter, the parties approached the Advocate. Then, it was realized that the application has been dismissed with that conditional order.

5. The first and foremost fact that is required to be noted that there was no explanation as to why the spare copy was not given within the two weeks period, which was granted. It was unfortunate that learned Advocate for the applicants lost his father. However, after atleast from March 2025 till June 2025, the applicants had

opportunity to file an application for recall of order. Strictly speaking, the reason given for condonation of delay is not convincing. Yet, taking liberal view, we condone the delay subject to deposit of costs of Rs.1,000/- (Rupees One Thousand Only) with the High Court Legal Services Sub Committee, Aurangabad, within a period of one week.

6. The application stands allowed and disposed of.

7. After the cost is deposited, Criminal Application No.3096 of 2024, be restored to its original stage.

8. The applicants to supply the copy of the application with annexures thereto for serving respondent No.2, within a period of two weeks from today.

9. After the spare copy is given, issue notice to respondent No.2, to be made returnable on 02.09.2025.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE