



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3785 OF 2025

IN

APPLICATION FOR LEAVE TO APPEAL BY PRIVATE PARTY NO. 91 OF 2023

Dnyanoba s/o Ramrao Yernale

... Applicant

versus

1. Rameshwar s/o Babu Bharati
2. The State of Maharashtra

... Respondents

.....
Mr. T. M. Venjane, Advocate for the Applicant

.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 20 NOVEMBER 2025

ORDER :

1. This is an application seeking recall of the order dated 13.08.2025 passed by this Court in Application for Leave to Appeal by Private Party [ALP] No. 91 of 2023.

2. It is pointed out that, against judgment and order dated 06.06.2023 passed by learned J.M.F.C. Latur in S.C.C. No.2163 of 2018, thereby acquitting accused, leave to file appeal was preferred and the same was on the board before this court on 08.08.2025 and was listed at Sr. No.952. Notice was shown to be served to respondent no.1, however, none had appeared for respondent no.1. Record shows that, matter was

reserved. In view of the chit note on the matter, appearance of learned Advocate Shri Dhakne inadvertently appeared in the above matter. Therefore, assuming that respondent had appeared, order came to be passed on 13.08.2025 reflecting submissions of respondent in another matter. In fact, the above mistake had occurred because of wrongly showing learned Advocate Shri Dhanke to be heard on behalf of respondent no.1, when in fact he had no concern with the present matter. This is brought to the notice of this court, by way of criminal application and even learned counsel Shri Dhakne appeared before this court and informed that inadvertently his name is shown at Sr. no.952 instead of Sr. No. 950. Therefore, the order passed dated 13.08.2025 is due to pure inadvertence and mixed up on the part of staff and the same is therefore required to be recalled.

3. For above reasons, said order dated 13.08.2025 cannot stand and is hereby recalled and the matter to be heard afresh.

4. Learned Advocate Mr. T. M. Venjane to get the matter circulated in due course.

5. Application is disposed of.

(ABHAY S. WAGHWASE, J.)