

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Criminal Application No. 1528 of 2024

Suhas Nanasaheb Ubhe

...Applicant

Versus

The State Of Maharashtra

...Respondent

Mr Hrishikesh Ghorpade a/w Mr Anup Patil i/by Mr Siddharth Sutaria, for the applicant.

Mr Yogesh Y Dabke, APP for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 04 February 2025.

P.C.:

. By the present application, the applicant seeks to quash and set aside the order dated 02 August 2024 passed by learned Additional Sessions Judge, Pune in Criminal Revision Application No.80 of 2018. The order reads thus :-

“ ORDER BELOW EXH.1

Applicant and his advocate is absent when called out. Record shows that this application is pending since 2018 and since long nobody attends this matter. Therefore, it appears that revision applicant has lost interest in prosecuting present revision. So under these circumstances I do not find any justification in keeping pending this revision application for uncertain period. Hence following order.

ORDER

Revision application is dismissed for want of prosecution.”

2. The learned Counsel for the applicant argues that the impugned order, was passed without providing the petitioner with a sufficient opportunity to be heard. The petitioner was represented by the Counsel, who failed to inform him about the developments in the application. As these circumstances were beyond the applicant's control, it would be in the interest of justice to grant him an opportunity for a hearing. Since the revision application was dismissed due to non-prosecution, it is appropriate in the interest of justice, to allow the applicant hearing, subject to the payment of costs. Hence, the following order:

ORDER

1. The impugned order dated 2 August 2024, in Criminal Revision Application No.80/2018, passed by learned Additional Sessions Judge, Pune, stands quashed and set aside, with a direction to learned Additional Sessions Judge, Pune, to hear the revision application of the applicant afresh and decide it on its own merits and in accordance with the law, subject to payment of costs of Rs.25,000/- to the High Court Medical Welfare Association,

within two weeks from the date of this order.

2. The application stands disposed of accordingly.

(R.N. Laddha, J.)

JYOTI
RAJESH
MANE

Digitally signed
by JYOTI
RAJESH MANE
Date: 2025.02.04
19:48:06 +0530