

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

**INTERIM APPLICATION NO.120 OF 2025
IN
CRIMINAL WRIT PETITION NO.2323 OF 2019**

Kusum Narottam Harsora Applicant

versus

The State of Maharashtra & Ors. Respondents

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- Ms. Kusum Harsora, Applicant-in-person present.
- Mr. J. P. Yagnik, APP for the State/Respondent.
- Mr. Varun Shah, Advocate for Respondent Nos.5, 6 and 7.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.
DATE : 20th MARCH, 2025**

P.C. :

1. Heard the Applicant appearing as party in person.
2. Learned counsel Mr. Varun Shah appears for the original Respondent Nos.5, 6 and 7 in Criminal Writ Petition No.2323 of 2019.
3. This application is for restoration of Criminal Writ Petition No.2323 of 2019, which was dismissed for non-prosecution on 09/07/2024.

4. The Applicant states that on that date due to heavy rains it was declared as a red alert day and therefore she could not remain present in the Court. Consequently, Writ Petition came to be dismissed for non-prosecution.

5. Considering this genuine difficulty of the Applicant, who is appearing in person, in the interest of justice, we are inclined to allow this application. There is delay in filing the application as submitted by the learned counsel for the original Respondent Nos.5, 6 and 7. The Applicant herself is a senior citizen.

6. Considering this background and the situation, the delay in preferring this application for restoration also can be condoned.

7. Hence, the following order :

ORDER

(i) The application is allowed.

- (ii) The delay in filing this application is condoned.
- (iii) The original Writ Petition No.2323 of 2019 is restored to its original file. The Writ Petition be listed for admission on 23/04/2025.
- (iv) The application is disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)