

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

**INTERIM APPLICATION NO.205 OF 2025
IN
CRIMINAL WRIT PETITION NO.4091 OF 2019
.....
WITH
INTERIM APPLICATION NO.206 OF 2025
IN
CRIMINAL WRIT PETITION NO.4091 OF 2019**

Almas Nadeem Kazi
and othersApplicants
Versus
The State of Maharashtra
and anotherRespondents

**.....
WITH
CRIMINAL WRIT PETITION NO.4091 OF 2019**

Almas Nadeem Kazi
and othersPetitioners
Versus
The State of Maharashtra
and anotherRespondents

Ms. Drishti Khurana, Advocate i/b. Adnan N. Shaikh for the
Applicants/Petitioners.
Smt. M.M. Deshmukh, APP for the Respondent No.1-State.

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.
DATE : 2nd APRIL, 2025**

P.C. :

1. Both these Interim Applications are decided by this
common order. Interim Application No.205/2025 is for condonation

of delay of 561 days in filing the Interim Application for restoration of the Petition; and Interim Application No.206/2025 is for restoration of Criminal Writ Petition No.4091/2019 which was dismissed as an effect of the order dated 8.6.2023.

2. On the last occasion i.e. on 19.3.2025 nobody had appeared for the Applicants in both these Interim Applications. However, today learned Advocate for the Applicants appears. She submitted that on 19.3.2025 she could not attend the Court herself as she had suffered some accident.

3. In these circumstances we have heard learned counsel for the Applicants. The Applicants are the original Petitioners in Criminal Writ Petition No.4091/2019. Vide order dated 20.2.2020, the notice was issued to the Respondent No.2 and there was stay of the criminal case. However, the notice could not be actually sent by the Registry because learned Advocate for the Petitioners had not supplied a spare copy. Therefore, another Division Bench of this Court passed an order on 8.6.2023 directing the Advocate for the Petitioners to supply spare copy within a period of two weeks from that date. It was a conditional order. If it was not complied with the Petition was to stand dismissed. The copy was not supplied and the

Petition stood dismissed as a result of that order.

4. Learned counsel appearing for the Applicants/Petitioners submitted that it was lethargy on the part of the previous Advocate who had not taken immediate steps, for which the Petitioners may not be penalized. She submitted that the Applicants/Petitioners have a good case on merits. She submitted that two of the Petitioners are more than 65 years of age; therefore, in the interest of justice, the Petition be restored with continuation of the ad-interim order. She submitted that she would immediately supply the spare copies of the main Writ Petition in the Registry.

5. Considering these submissions and in the interest of justice, the following order is passed :

6. Hence, the following order:

:: O R D E R ::

- i. Interim Application No.205/2025 is allowed. The delay of 561 days in preferring restoration application is condoned.
- ii. Interim Application No.206/2025 is also allowed. Criminal Writ Petition No4091/2019 is restored to its original file.
- iii. Both the Interim Applications are disposed of accordingly.

- iv. In Criminal Writ Petition No.4091/2019, learned counsel for the Petitioners shall supply spare copies within a period of two weeks from today. After the spare copies are supplied, issue fresh notice to the Respondent No.2 in Criminal Writ Petition No.4091/2019, returnable on 2.7.2025. Ad-interim relief, granted vide the order dated 20.2.2020 shall continue till then. Criminal Writ Petition No.4091/2019, be listed on board on 2.7.2025.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

PRADIPKUMAR
PRAKASHRAO
DESHMANE
Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2025.04.05
10:49:18 +0530