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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.232 OF 2025
IN
CRIMINAL WRIT PETITION NO.3829 OF 2024

Rahul Gurung

...Applicant

IN THE MATTER BETWEEN :

Sandeep Singh S. Singh Bisht & Ors.

Petitioners

Versus

The State of Maharashtra & Anr.

...Respondents

....

Mr.Ankur Pahade with Mr.Sanjay Kokane for the Applicant /
Petitioners.

Mr.Mayur Sonavane, APP for the State – Respondent.

Mr.Ratnesh M. Dube for Respondent No.2.

....

**CORAM : RAVINDRA V. GHUGE &
GAUTAM A. ANKHAD, JJ.
DATE : 8TH AUGUST, 2025.**

P.C. :-

1. This Application is filed with a delay of 35 days, for
seeking restoration of Criminal Writ Petition no. 3829 of 2024

which was dismissed on account of default, vide order dated 4th September, 2024, effective from 18th September, 2024.

2. The learned Advocate appearing for the original Complainant and the learned APP, submit that the Application deserves to be rejected. The delay is of 35 days and the Applicant should be explaining each and every day's delay. If the reasons for condonation are not justified, the Application needs to be dismissed with heavy costs.

3. The Hon'ble Supreme Court has settled the law in ***Collector, Land Acquisition, Anantnag & Anr. vs. Mst. Katiji & Ors. AIR 1987 SC 1353***, concluding that every day's delay is not to be explained. When the rights of the parties are being considered, they should not be pitted against technicalities. In such cases, a pragmatic approach has to be adopted, rather than taking a pedantic view. A similar view is taken in ***Esha Bhattacharjee vs. Managing Committee of Raghunathpur Nafar Academy & Ors. (2013) 12 SCC 649***.

4. In view of the above and for the reasons set out, the

Application is allowed. Delay is condoned. The Writ Petition is restored at the stage at which it was dismissed.

CRIMINAL WRIT PETITION NO.3829 OF 2024

5. **Issue notice to the un-served Respondents,** returnable on 12th September, 2025. The learned advocate waives service of notice on behalf of the un-served Respondent Respondent No.2 (original Complainant).

6. Leave to file affidavit in reply at least one week prior to the next date.

(GAUTAM A. ANKHAD, J.) (RAVINDRA V. GHUGE, J.)