

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

**Interim Application No.3661 of 2024
In
Criminal Application No.1160 of 2017**

Ashok Ramchandra Patil and anr. ... Applicants

V/s.

The State of Maharashtra ... Respondents.

Mr. Chetan G. Patil, Advocate for the Applicants.

Ms. Mankuwar M. Deshmukh, APP for the State.

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 03 January 2025.

P.C. :

This is an application for restoration of Criminal Application No.1160/2017 which was dismissed vide the order dated 22 April 2024. There is also a delay of 103 days in filing the present interim application and prayer is made for condonation of that delay as well.

2. Learned counsel for the applicants submitted and it is also mentioned in the application that the Advocate who had filed this main application had sought discharge from appearing in the case. There was a communication gap between applicants and the erstwhile Advocate. Because of that the applicants were not represented when the matter was called out on 22 April 2024. He submitted that it was not fault of the applicants and the

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communication gap, if any, was not intentional. He submitted that he has an excellent case on merits and, therefore, in the interest of justice, matter is required to be restored.

3. Considering the submissions and in the interest of justice the delay in filing this application is condoned. The original Criminal Application No.1160/2017 is restored to its original file. The interim application is allowed.

4. List the main matter for further consideration on **11 February 2025**.

5. Ad-interim relief granted earlier, if any, shall continue till next date.

6. Leave to amend is granted to annex the copy of the charge-sheet to the main application which shall be done before the next date of hearing of the main application.

7. It is clarified that this order of restoration is only in respect of Criminal Application No.1160/2017. It shall be de-tagged from the other applications which stood dismissed vide the common order dated 22 April 2024.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)