

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4277 OF 2024

IN

WRIT PETITION NO.4406 OF 2014

Subhash Bhubneshwar Jha ... Applicant

In the matter between :

Subhash Bhubneshwar Jha & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

- Mr. Siddharth Jha a/w Mr. Ashish Saxena i/b. Law Juris, for the Applicant.
- Mr. Subhash Jha, for the Petitioners.
- Ms. Sangita Phad, APP, for the Respondent-State.

**CORAM : MANISH PITALE AND
MANJUSHA DESHPANDE, JJ.**

DATE : 11th NOVEMBER 2025

P.C. :

. We have heard the learned counsel for the applicant. This application is seeking restoration of writ petition that stood dismissed for non-prosecution by an order dated 10.01.2024. The learned counsel for the applicant invites our attention to the fact

that this application was filed almost immediately on 16.02.2024 and that cogent reasons have been stated in the application particularly in Paragraph No.3, as to the reason, why there was no appearance on behalf of the Petitioners on 10.01.2024 in the writ petition and that therefore, the application deserves to be allowed and the writ petition ought to be restored in the interest of justice.

2. We have perused the application and we find that the reasons seeking restoration have been stated in the Paragraph No.3 thereof. We find that the only reason put forth is that there were certain advocates deputed in the High Court to keep a watch on the matter and it was expected that the matter would be called out in the afternoon session. It is then stated that one of the advocates was required to appear in the subordinate Court and the other advocate was required to appear before another Bench when the petition was called out for hearing. It is in this backdrop that there was no appearance on behalf of the petitioners and therefore, this Court may consider allowing the application and restoring the petition.

3. We have examined the record of the petition also, to understand as to the seriousness with which the petitioners have been pursuing the writ petition. The record shows that this petition was filed in pursuance of a liberty reserved for the petitioners by an order dated 29.09.2014 passed in Writ Petition

No.2330 of 2014. By the aforesaid writ petition, the petitioners had sought quashing of the subject FIR, registered as far back as on 08.12.2013, but since the chargesheet was filed in the meanwhile, the said petition was withdrawn with liberty to file a fresh petition challenging the chargesheet also.

4. Consequently, Writ Petition No.4406 of 2014 was filed by the petitioners in November 2014. It is a matter of record that by the time the said petition was filed, the chargesheet had already come on record as it had been submitted in the year 2013 itself before the concerned Court.

5. The record further shows that the said writ petition was initially listed on 26.11.2014, when certain objections were noted and it appears that the petition could not be taken up for consideration.

6. Thereafter, the record clearly shows that no specific efforts were made on behalf of the petitioners for circulating the petition for urgent orders and therefore, it came up for effective consideration after about a decade on 10.01.2024. On the said date, there was no appearance on behalf of the petitioners.

7. The restoration application was filed and it has been circulated today, perhaps because the concerned Court has now fixed the matter on 14.11.2025 for framing of charges. It is obvious that even the said Court has not acted in a diligent

manner despite the fact that there was no order/interim order passed in the writ petition. It is perhaps the pendency of this writ petition that had weighed on the concerned Court and the proceedings appear to have moved at snail's pace. It is only when the concerned Court is to take up the matter for framing of charges on 14.11.2025 that this application has been circulated with urgency today, i.e., on 11.11.2025.

8. We are of the opinion that the aforesaid record clearly indicates that the applicants (original petitioners) have shown minimal interest in pursuing the petition in the first place and the proceedings before the concerned Court have also moved at a snail's pace. The fact that the chargesheet is already on record also shows that the petitioners can apply for discharge, particularly when they failed to pursue the writ petition with diligence for the past more than 10 years.

9. We are not satisfied with the reasons stated in the application seeking restoration of the writ petition, which has remained pending without any effective hearing or orders for more than a decade and hence, we are inclined to dismiss the application.

10. In view of the above, **the application is dismissed**. However, liberty is reserved for the petitioners to apply to the concerned Court for discharge. Upon such application being made, the

concerned Court shall decide the application for discharge on its own merits expeditiously, uninfluenced by the order passed today by this Court.

(MANJUSHA DESHPANDE, J.)

(MANISH PITALE, J.)