

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

**INTERIM APPLICATION NO.5100 OF 2024
IN
CRIMINAL APPEAL NO.1266 OF 2022**

Sunil Dharma Mane

.... Applicant

versus

The National Investigating Agency & Anr.

.... Respondents

.....

- Mr. Mithilesh Mishra i/b. Mr. Agastya Desai, Advocate for Applicant.
- Mr. Sandesh Patil a/w Mr. Chintan Shah, Advocate for Respondent/NIA.
- Smt. M. M. Deshmukh, APP for the State/Respondent.

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

DATE : 10th JANUARY, 2025

P.C. :

1. This is an application for restoration of Criminal Appeal No.1266 of 2022 and there is also a prayer for condonation of delay of 32 days in filing this application. The main Criminal Appeal was dismissed for want of prosecution vide the order dated 03/10/2024 as nobody had appeared for the Appellant/Applicant. The Criminal Appeal No.1266 of 2022

challenges the order rejecting the discharge application preferred by the Applicant.

2. Learned counsel for the Applicant submitted that the Applicant's lawyer did not remain present on that day. It is not a fault of the present Applicant. Subsequently, now the Applicant has changed the lawyer and therefore in the interest of justice, the matter needs to be heard on merits.
3. Considering this submission and in the interest of justice, though the learned APP opposes grant of this application, the application is allowed. The delay of 32 days in filing the application is condoned. The application is allowed and the Criminal Appeal No.1266 of 2022 is restored to its original file. It shall be placed for consideration on 25/02/2025.
4. The application is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)