

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

**INTERIM APPLICATION NO. 37 OF 2025
IN
INTERIM APPLICATION NO. 36 OF 2025**

Atit S/o. Brijeshkumar Agarwal ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

**WITH
INTERIM APPLICATION NO. 36 OF 2025
IN
CRIMINAL APPLICATION (APL) NO. 377 OF 2021**

Mr. Onkar Shinde a/w. Archana Mane i/b. Shinde and Co. for Applicant.
Mr. Y. M. Nakhwa, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.
DATE : 7 FEBRUARY 2025**

PC :

1. These are the applications for condonation of delay and also for restoration of Criminal Application (APL) 377 of 2021. These applications are filed in Criminal Application (APL) No.377 of 2021.

2. Vide the order dated 09.06.2023 passed in Criminal Application (APL) No.377 of 2021, the Division Bench of this Court had directed the applicant to supply a spare copy within a period

of two weeks from 09.06.2023, failing which the application was to stand dismissed without further reference to the Court. A spare copy was not supplied within that period and resultantly the application stood dismissed.

3. Learned counsel for the applicant submitted that, when the said order was passed, nobody had appeared for the applicant and, therefore, learned counsel was not aware about this conditional order. This was not intentional, but through inadvertence the matter remained unattended. He submitted that the delay of 499 days be condoned and the original criminal application be restored.

4. Considering these submissions and in the interest of justice, delay of 499 days in preferring the application for restoration of Criminal Application is condoned. The Criminal Application (APL) No.377 of 2021 is restored to its original file. It be listed for further consideration on 27.03.2025.

5. Both the interim applications are disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)