

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

**INTERIM APPLICATION NO. 124 OF 2025
IN
CRIMINAL WRIT PETITION NO. 4136 OF 2024**

Hema Sevak Hatzade and Anr.Applicants
Versus
The State of Maharashtra and Anr.Respondents

Mr. Piyush Toshniwal i/by Akshay Bankapur - Advocate for the Applicants.

Mr. S. R. Agarkar - APP for the Respondent-State.

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

DATE : 03rd APRIL 2025

P.C. :

1. This is an application for restoration of Criminal Writ Petition No. 4136 of 2024. The order passed by the Division bench of this Court on 26.09.2024 shows that leave to amend was granted to the Petitioners to annex copy of charge-sheet and to carry out the amendment in the pleadings and in the prayer clauses within a period of two weeks from that date. After the amendment was to be carried out the notice was directed to be issued returnable on

05.12.2024. However, the amendment was not carried out. It was a conditional order pursuant to which the Writ Petition stood dismissed.

2. Learned Counsel for the Petitioners states that the charge-sheet was not made available to him within that period, and therefore, amendment could not be carried out. The lapse in that behalf was unintentional. He submitted that, in the interest of the justice, the matter should be heard on its merits. He further submitted that, vide the same order, the Division bench had passed an ad-interim order, mentioning that the proceedings pending before the trial Court be stayed *qua* the Petitioners till the returnable date of the notice. He prayed that the ad-interim relief order also be continued. There is a delay of 72 days in filing of this application.

3. Considering this submission and in the interest of justice, we are inclined to allow this application. The delay of 72 days in filing the present application is condoned.

4. The Criminal Writ Petition No. 4136 of 2024 is restored to its file. The amendment as directed earlier shall be carried out within a period of three weeks from today. After the amendment is carried

out, issue fresh notice to the Respondent No. 2, returnable on 03.07.2025.

5. Till the returnable date, further proceedings in R.C.C. No. 621 of 2021 pending on the file of Judicial Magistrate First Class, 7th Court, Pimpri, Pune are stayed *qua* the Petitioners.

6. The present interim application is disposed of.

7. Criminal Writ Petition No.4136 of 2024 be listed on **03rd July 2025.**

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)