

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

**INTERIM APPLICATION NO.173 OF 2025
IN
CRIMINAL APPLICATION NO.1109 OF 2015**

Satish Khandu Gaikwad	Applicant
<u>IN THE MATTER BETWEEN</u>	
Satish Khandu Gaikwad	Applicant
Versus	
The State of Maharashtra	Respondent

Mr. Hrishikesh Nabar, Advocate i/b. Sonali Chavan for the Applicant.
Smt. M. M. Deshmukh, APP for the Respondent-State.

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

DATE : 20th FEBRUARY, 2025

P.C. :

1. This is an Application for restoration of the Criminal Application No.1109/2025 which was dismissed for non-prosecution vide order dated 20.6.2024. Said Application was admitted by issuing rule vide the order dated 7.6.2016. But when it was called out for final hearing, at that time nobody was present for the Applicant and, therefore, it was dismissed for non-prosecution.

2. Learned counsel for the Applicant submitted that when the matter was called out, learned counsel who was to appear for the Applicant was engaged in another Court and therefore, he could not

remain present when the matter was called out. It was unintentional. There was no intention to avoid hearing of the matter. He further submitted that it is not a fault of the Applicant.

3. There is a delay of 177 days in filing this Application for restoration.

4. Considering these submissions and in the interest of justice, Interim Application can be allowed. Hence, the following order:

:: O R D E R ::

- i. Interim Application is allowed.
- ii. The delay of 177 days in filing this Application is condoned.
- iii. Criminal Application No.1109/2015 is restored to its original file. Even the interim relief, granted vide order dated 7.6.2016 is restored. The matter to proceed for final hearing in due course.
- iv. Interim Application is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)