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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.236 OF 2025
IN
WRIT PETITION NO.3826 OF 2014**

Ashok Kumar Joshi .. Applicant
vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Subodh Desai, Senior Advocate with Kartik Garg for the Applicant.
Mr. V. B. Konde Deshmukh Addl.PP for the Respondent-State.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATE : 20th JUNE, 2025

P. C. :

1. This is an Application for restoration of Criminal Writ Petition No.3836 of 2014 which was dismissed for non prosecution vide the order dated 18/01/2024.

2. Learned Senior Counsel for the Applicant submitted that the Applicant was one of the accused in the subject matter. There were three others. The subject matter arose out of C.R.No.78 of 2012 registered with E.O.W. Unit-9. The other three accused had separately approached this Court and there Petitions were admitted, with interim relief.

3. Learned Senior Counsel submitted that the original Advocates, who had filed this Writ Petition on behalf of the Applicant were under the impression that since the subject matter was common, this particular Writ

Petition would be decided alongwith the admitted Petitions. Obviously, their belief was wrong but in that belief they did not get the matter circulated. The matter was listed before a Division Bench of this Court on 18/01/2024 and was dismissed as nobody had appeared for the Petitioner.

4. Learned Senior Advocate submitted that the Applicant's case is on a better footing than that of the Petitioners, whose Petitions are admitted and pending before this Court. He submitted that in the interest of justice this inadvertence may be condoned and the Petitioner be given an opportunity to put forth his case before this Court. He submitted that there was no specific interim order or ad-interim order operating in this particular Writ Petition when it was dismissed. Considering these submissions, in the interest of justice, we are inclined to allow this Application. Hence, the following order :-

:: ORDER ::

- i. The delay of 318 days in filing this Application is condoned.
- ii. Criminal Writ Petition 3826 of 2014 is restored to its original file and be placed for admission before the appropriate Bench on 15/07/2025.
- iii. Application is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)