

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 581 OF 2025****IN****CRIMINAL WRIT PETITION NO. 3318 OF 2017**

Archie Julius Silveira & Anr.

...Applicants

IN THE MATTER BETWEEN

Reeta Julius Silveira & Ors.

...Petitioners

V/s.

Mr. Joy Domine Almeida & Anr.

...Respondents

Ms. Nidhi D. a/w Ms. Shweta Rathod i/b Elixir Legal Services for the Applicants.

Mr. Rakesh Sawant a/w. Ms. Nidhi Chawda i/b Arhat Legal for Respondent No.1.

Ms. M.H. Mhatre, APP for the Respondent/State.

PSI Ravindra Ashok Kadam, Vasai Police Station present.

**CORAM : A. S. GADKARI &
N. R. BORKAR, JJ.**

DATE : 2nd April, 2025.

PC. :

1) By the present Application, the Applicants/original Petitioner Nos. 2 & 3 are seeking recall of Order dated 25th July, 2022 and restoration of Petition to the file.

2) Record indicates that, by Order dated 25th July, 2022 this Court had disposed off the Petition on the basis of statement made by the learned

APP that, the charge in the present case had already been framed and the trial was pending. The Applicants subsequently realized that, the statement made on instructions by the learned APP on 25th July, 2022 was incorrect and as a matter of fact, on 25th July, 2022 charge was not framed by the trial Court.

3) Learned APP, on instructions from PSI Mr. Kadam, attached to Vasai Police Station submitted that learned 2nd Judicial Magistrate First Class, Vasai has now kept the said case, i.e. RCC No. 1802 of 2017 for framing of charge on 7th April, 2025.

4) In view thereof, the Petition deserves to be restored to file and be heard on its own merits. Accordingly, Order dated 25th July, 2022 is recalled and the Petition is restored to file.

5) Parties herein are granted liberty to circulate the Petition before appropriate bench.

6) Application is allowed in the aforesaid terms.

(N.R.BORKAR, J.)

(A.S. GADKARI, J.)