

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

**INTERIM APPLICATION NO. 1728 OF 2025
WITH
INTERIM APPLICATION NO. 1729 OF 2025
IN
CRIMINAL WRIT PETITION (STAMP) NO. 10153 OF 2023**

Mrs. Sheela Jems ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Umesh Iyer a/w. Sneha Mishra and Ishan Jangam for Applicant.
Mr. S. V. Gavand, APP for State/Respondent.

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

DATE : 5 MAY 2025

PC :

1. These interim applications are for restoration of Criminal Writ Petition (stamp) No.10153 of 2023, and for condonation of delay in preferring the application for restoration of the said criminal writ petition. There is a delay of 496 days in preferring the application for restoration.

2. The order dated 27.10.2023 passed in the said writ

petition mentions that the Petitioner had to provide a spare copy within two weeks from 27.10.2023 since notice was issued to the Respondent No.2. It was further observed that, if the spare copy was not supplied, the petition was to stand dismissed without further reference to the Court.

3. Learned counsel for the Applicant submitted that, there was some miscommunication on the part of the Advocate who had appeared on 27.10.2023 and the Advocate on record and, therefore, the spare copy could not be supplied resulting in dismissal of the writ petition. Due to further miscommunication, the fact of dismissal of the writ petition was also not known to either the Advocate on record or to the petitioner herself. Therefore, there was delay of 496 days in preferring an application for restoration of the petition. He submitted that the petitioner has a good case on merits and, therefore, in the interest of justice, the matter needs to be decided on merits.

4. Considering these submissions and in the interest of justice, we are inclined to allow these applications, so that the

main writ petition can be decided on merits.

5. Hence, the following order:

O R D E R

- i) Interim Application No.1728 of 2025 is allowed.
- ii) The delay of 496 days in filing the application for restoration of Criminal Writ Petition (Stamp) No.10153 of 2023 is condoned.
- iii) Criminal Writ Petition (Stamp) No.10153 of 2023 is restored to its original file.
- iv) Learned counsel for the Petitioner is at liberty to get that petition circulated for admission.
- v) Interim Application No.1729 of 2025 is allowed to that extent.
- vi) Both the Applications are disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)