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

**INTERIM APPLICATION NO.3195 OF 2025  
IN  
CRIMINAL APPLICATION NO.917 OF 2023**

Laxmikant Vijay Katare & Anr. ... Applicants.  
Vs.  
State of Maharashtra & Anr. ... Respondents

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Ms. Prashita Mamodia i/b R. V. Sankpal & Associates for the Applicants.  
Ms. Sougita E. Phad APP for the Respondent-State.  
Mr. D. P. Mane, PSI, Kasturba Marg police station present.  
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**CORAM : SARANG V. KOTWAL &  
SHYAM C. CHANDAK, JJ.**

**DATED : 9<sup>th</sup> SEPTEMBER, 2025**

**P.C. :-**

1) This is an Application for restoration of Criminal Application No.917 of 2023, which was dismissed for non prosecution *vide* the order dated 4<sup>th</sup> August, 2025. The learned Counsel for the Applicants submitted that their Application was admitted with interim relief in terms of prayer clause (b) in that Application *vide* the order dated 2<sup>nd</sup> September, 2024. Therefore, it was listed on the final hearing board. However, when the final hearing board reached suddenly, the learned Counsel could not remain present and therefore, the matter was dismissed for non prosecution. There was no intention to avoid the hearing of the Application.

2) Considering that the absence was unintentional and as stated by the learned Counsel for the Applicants, due to inadvertence it remained unattended, the Application was dismissed. It must be noted that even nobody had appeared for the Respondent No.2. Therefore, in this situation, we are inclined to restore the Application with restoration of the interim relief. Hence, the following order :-

**:: ORDER ::**

- (i) The Criminal Application No.917 of 2023 is restored to its file with revival of the interim order in terms of prayer clause (b) in that Application which was granted *vide* the order dated 2<sup>nd</sup> September, 2024.
- (ii) The Interim Application is disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)