

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

**INTERIM APPLICATION NO.3238 OF 2025
IN
CRIMINAL WRIT PETITION NO.1265 OF 2019**

**.....
WITH
INTERIM APPLICATION NO.3239 OF 2025
IN
CRIMINAL WRIT PETITION NO.1265 OF 2019**

Manoj Bhagwandas Gupta
and others

.....Applicants

IN THE MATTER BETWEEN

Manoj Bhagwandas Gupta
and others

.....Petitioners

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Mainak Adhikary, Advocate for the Applicants.

Ms. Sangeeta D. Shinde, APP for the Respondent No.1-State.

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

DATE : 16th SEPTEMBER, 2025

P.C. :

1. Interim Application No.3239/2025 is for
restoration of the Criminal Writ Petition No.1265/2019.

Interim Application No.3238/2025 is for condonation of delay
of 618 days in filing the Application for restoration.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

Digitally signed by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date: 2025.09.18 10:56:12
+0530

2. Heard Mr. Mainak Adhikary, learned counsel for the Applicants and Ms. Sangeeta Shinde, learned APP for the Respondent No.1-State.

3. Both these Applications are decided by this common order today. Criminal Writ Petition No.1265/2019 was placed before the another Division Bench of this Court on 7.10.2023. At that time nobody had appeared for the Petitioners. However, the Division Bench issued the notice to the Respondents which was made returnable on 4.11.2023 with a direction that the spare copy be supplied within one week. It was observed that if the spare copy was not supplied within one week from that date, the Petition was to stand dismissed without further reference to the Court.

4. Learned counsel for the Applicants submitted that the Advocate appearing for the original Petitioners had to undergo some surgery and could not attend the matter on that date. For a few days she was not aware of that order passed and, therefore, the spare copy could not be supplied. With the result, by operation of the said order, the Petition stood

dismissed. Learned counsel further submitted that the Petitioner himself was in difficulty because his father was seriously ill and the infant child of the Applicant had met with an accident and had suffered second degree burns. Therefore, he could not take immediate steps.

5. Considering these grounds and in the interest of justice we are inclined to allow both these Applications.

6. Hence, the following order :

:: O R D E R ::

- i. The delay of 618 days in filing the Application for restoration of the Writ petition is condoned.
- ii. Interim Application No.3239/2025 is allowed. Criminal Writ Petition No.1265/2019 is restored to its original file.
- iii. Both Interim Applications are disposed of accordingly.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)