

Navnath Waghmare (RA.)

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

CRIMINAL APPEAL NO. 1297 of 2025

State Bank Of India Through Uttara Mahto	Appellant
Versus	
State of Maharashtra and Ors.	...Respondents

Mr. Sanjay Rego i/b India Law LLP for the Appellant
Mr. Hitendra J. Dedhia APP for the Respondent
Ms. Leena Patil, SPP for Respondent No.1-State

CORAM: R. M. JOSHI, J.

DATED: 26th February, 2026

PC:-

1. This appeal filed against order dated 18th October, 2025 passed in Miscellaneous Application No. 80 of 2025, whereby appellant seeks resotration of MPID Special Case No. 1 of 2014 came to be dismissed for want of prosecution.
2. MPID Case No. 1 of 2014 application is filed on the ground it was not within the knowledge of the appellant about the dismissal of the application for non-prosecution.

3. Learned counsel for the Appellant submits that there is evidence to indicate that erstwhile lawyer appearing on behalf of the Appellant had not informed to the appellant dismissal of the said application and on the contrary the emails exchanged by the counsel indicate pendency of the said proceeding. It is thus his submission that the evidence on record sufficiently shows lack of knowledge of the appellant with regard to the dismissal of the application and therefore this is a fit case for setting aside said order. Therefore, he seeks liberty to place appropriate evidence before the Trial Court.

4. Learned counsel for the contesting respondent opposed the said contention.

5. There cannot be dispute with regard to the fact that there are emails indicating the communication between erstwhile lawyer of the appellant. Now as to whether the said emails pertain to the proceedings in question or not, is a question of fact and the same would be decided by the Trial

Court. If findings of fact for the first time are recorded by this court in this appeal, it will amount to denial of an opportunity to the aggrieved party to challenge the said findings in an appeal before this Court.

6. If the order impugned is set aside and matter is relegated to the said court for decision the afresh, no prejudice will cause to either side. Hence the following order.

ORDER

- i). Appeal stands allowed.
- ii). Impugned order is set aside, Misc. Application bearing No. 80 of 2025 is relegated back to the Trial Court for decision afresh.
- iii) Trial Court to permit parties to lead evidence if they so desire, to substantiate their respective contention.

(R. M. JOSHI, J.)