

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 396 OF 2026
IN
CRIMINAL WRIT PETITION NO. 2255 OF 2022

Mr. Pradeep D'Souza. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Mr. Viraj Hake a/w. Mr. Rahul Tervankar i/b. Ms. Amrita Nair,
Advocate for Applicant.

Mr. Sukanta Karmakar, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 6th FEBRUARY, 2026.

P.C. :

1. By the present Application, Applicant is seeking restoration of the Criminal Writ Petition No. 2255 of 2022 which was dismissed by this Court on 10th September, 2025 by the following order :

“1) Despite circulating the Petition, none appears for the Petitioner, when called out for hearing.

2) *Dismissed for non-prosecution.*”

2. Mr. Viraj Hake, learned Advocate for the Applicant submits that the reason for non-appearance of the Advocate before this Court on 10th September, 2025 was a bonafide mistake on the part of the Advocate appearing for the Petitioner. He submits that the mistake on the part of the Advocate for the Petitioner should not deny the Petitioner's right of the Petition being considered on merits. He therefore by taking responsibility of non-appearance on 10th September, 2025 prays for recall of the order and restoration of the Criminal Writ Petition.

3. Mr. Sukanta Karmakar, learned APP for the State submits that the Advocate appearing for the Petitioner having owned the mistake, he does not object to the restoration of the present Petition.

4. In view of the no objection given by Mr. Karmakar, APP for the State, the statement made today by Mr. Viraj Hake, Advocate for the Applicant as also statement in the Application for

restoration, the same is allowed in terms of prayer clause (a).
Consequently, the order dated 10th September, 2025 is recalled.
Criminal Writ Petition No. 2255 of 2022 is restored on file.

5. In view of the above, Interim Application No. 396 of
2026 is allowed.

(ASHWIN D. BHOBE, J.)