

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 868 OF 2026
IN
WRIT PETITION NO. 5182 OF 2024**

Apparao Shripatrao Patil and Anr. ... Applicants

Versus.

The State of Maharashtra And Anr. ... Respondents

Mr. Ganesh Pandit i/b Kalayani Mangave, for the Applicants.

Mr. Krutik Kamble i/b Rajesh More, for the Respondent No. 2

Ms. Pallavi Dabholkar, learned APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 25th March, 2026.

P.C. :

1. By this Application, the Applicants request the restoration of Writ Petition No. 5182 of 2024.

2. On 17.06.2025, this Court had passed the following Order:-

1. *“None for the Petitioner, when called out for hearing.*
2. *Dismissed for non-prosecution.”*

3. Mr. Ganesh Pandit, learned Advocate for the Applicants,

states that it was an inadvertent bona fide mistake on the part of the Advocate for the Applicants / Petitioners that he was absent on 17.06.2025. He submits that a bona fide mistake should not deny the Applicants the right to be heard on the merits of the petition.

4. Ms. Pallavi Dabholkar, learned APP for the Respondent – State, states that the Advocate for the Applicants, having acknowledged his mistake and responsibility for his absence on 17.06.2025, has no objection to the restoration of Writ Petition No. 5182 of 2024.

5. Mr. Krutik Kamble, learned Advocate for Respondent No. 2, states that a lawyer's fault appearing for the adversary should not cause Respondent No. 2 to suffer. He therefore objects to the grant of the present application. However, he submits that if the Court is inclined to consider the prayer made in this application, a substantial amount of costs should be imposed on the Applicants for causing prejudice to Respondent No. 2.

6. Mr. Ganesh Pandit, learned Advocate for the Applicant, submits that an amount of Rs. 10,000/- shall be paid to

Respondent No. 2.

7. Considering the averments in the application, the statement by Mr. Ganesh Pandit, learned Advocate for the Applicants, and the no objection by Ms. Pallavi Dabholkar, learned APP, this application is allowed, subject to the Applicants paying a cost of Rs. 10,000/- to Respondent No. 2 as a condition precedent.

8. Mr. Ganesh Pandit, learned Advocate, on instructions from the Applicants, states that the amount of cost will be paid to Respondent No. 2 within four weeks from today. He further states that upon payment of the cost, a receipt acknowledging the payment along with the affidavit will be submitted to the Registry of this Court.

9. If the affidavit indicating payment of costs is filed with the Registry of this Court within four weeks from today, the order dated 17.06.2025 will be recalled, and Writ Petition No. 5182 of 2024 will be restored to the file.

10. Failure to pay the cost within the granted time shall

automatically revive the order dated 17.06.2025, and Writ Petition
No. 5182 of 2024 shall stand dismissed.

(ASHWIN D. BHOBE, J.)

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