

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3404 OF 2025  
IN  
CRIMINAL APPLICATION NO. 1688 OF 2024

Mahadeo Bajirao Giri

... Applicant

V/S.

State Of Maharashtra And Anr.

... Respondents

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Mr. Dhananjay Bhosale, for the Applicant.

Mr. Sukanta Karmakar, APP for the Respondent – State.

P.I. Pravin Nimbalkar, A.C.B. Pune, is present.

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CORAM : ASHWIN D. BHOBE, J.

DATE : 18<sup>th</sup> FEBRUARY, 2026.

P.C. :

1. By the present Application the Applicant has sought for the following relief:

*b. This Hon'ble Court be pleased to recalled the order dated 04.08.2025, passed by this Hon'ble court in Writ Petition No. 1688 of 2024 and same may be restored to its original file.*

2. Criminal Application No. 1688 of 2024 was dismissed on 4<sup>th</sup> August, 2025 by following order:

*1. None for the Applicant when called out for hearing.*

*2. Dismissed for non prosecution.*

3. Mr. Dhananjay Bhosale, learned Advocate for the Applicant submits that it was on account of lapse on the part of the Advocate appearing for the Applicant in Criminal Application No. 1688 of 2024 that resulted in the non appearance on 4<sup>th</sup> August, 2025. He refers to Paragraph Nos. 2 and 4 of this Application. He submits that the Criminal Application No. 1688 of 2024 was at the pre-admission stage and no notice was issued to the Respondents. He submits that the Application for recall has been filed within a period of 30 days of the dismissal.

4. Mr. Sukanta Karmakar, learned APP for the State submits that the Advocate for the Applicant having owned the responsibility for the non appearance on 4<sup>th</sup> August, 2025, he does not object to the request made by Mr. Dhananjay Bhosale, in the present Application

5. In view of the statements made in this Application and the

no objection given by Mr. Karmakar, learned APP, as also in the absence of any malafides being alleged against the Applicant / Advocate for the Applicant for the absence on 4<sup>th</sup> August, 2025, guided by the law laid down by Hon'ble Supreme Court in the case of *Esha Bhattacharjee v. Raghunathpur Nafar Academy*<sup>1</sup> this Application is allowed in terms of prayer clause (b). Consequently the Order dated 4<sup>th</sup> August, 2025 is recalled and the Criminal Application No. 1688 of 2025 is restored on the file of this Court.

6. Interim Application No. 3404 of 2025 is allowed and disposed of.

**(ASHWIN D. BHOBE, J.)**

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<sup>1</sup> 2013 12 SCC 649