

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.318 OF 2026

IN

WRIT PETITION NO.1045 OF 2010

Rafiq Ahmed Dada

...Applicant
(Original
Petitioner No.3)

IN THE MATTER OF:

Jaffer Suleman Musafirkhana Trust & Ors.

...Petitioners

Versus

State of Maharashtra & Anr.

...Respondents

WITH

INTERIM APPLICATION NO.4665 OF 2025

IN

WRIT PETITION NO.1045 OF 2010

Jaffer Suleman Musafirkhana Trust & Ors.

...Applicants

Versus

State of Maharashtra & Anr.

...Respondents

Mr. Manoj Mohite, *Senior Advocate, with Narayan Sahu, Priyanka Chavan, i/b Federal & Company, for the Applicant (Original Petitioner No.3).*

Ms. Megha Bajoria, *APP for the Respondent-State.*

CORAM DR. NEELA GOKHALE, J.

DATED: 30th JANUARY 2026

PC:-

INTERIM APPLICATION NO.318 OF 2026

1. Matter was mentioned for production of papers. Considering the urgency in the matter, production was granted.
2. Leave to amend to correct prayer clauses (d), (e) and (g) is granted. Amendment to be carried out forthwith.
3. By way of this Interim Application, the Applicant seeks restoration of Writ Petition No. 1045 of 2010 and condonation of delay in making the restoration application. In paragraph 27(e), the Applicant has also sought cancellation of the order dated 22nd December 2025, issuing non-bailable warrant against the Applicant in Case No.197/SW/2009 filed in the 51st Judicial Magistrate Court, Kurla, Mumbai, amongst other relief. Interim relief in terms of prayer clause (e) is also sought.

4. Issue notice to the Respondents returnable on **11th March 2026**.

5. Learned counsel for the Applicant to supply spare copies of the Application along with annexures to the Registry for issuance of notice to the Respondents.

6. In the meantime, the order dated 22nd December 2025 directing issuance of non-bailable warrant against the Applicant in the said case passed by the Judicial Magistrate, 51st Court, Kurla, Mumbai is stayed till further orders.

7. The Applicant has also sought stay of the proceedings in Case No.197/SW/2009 filed in the Judicial Magistrate, 51st Court, Kurla, Mumbai .

8. Considering that this Court by its Order dated 8th June 2011, while admitting the Writ Petition No. 1045 of 2010, had confirmed the ad-interim relief granted by it by order dated 1st April 2010, staying the proceedings in Case No.197/SW/2009 pending before the Judicial Magistrate, 51st Court, Kurla,

Mumbai, which operated till the Writ Petition was dismissed for default, the proceedings in the said Case shall remain stayed till further orders.

(DR. NEELA GOKHALE, J)

Digitally
signed by
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NILESH
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