

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 922 OF 2026
IN
WRIT PETITION NO. 6440 OF 2025

Bhundaram Jodharamji Chaudhari & Ors.

...Applicants/
Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Manish V. Khadakban i/b Mr. Shirish D. Palange, learned Advocate
for the Applicants/Petitioners.

Ms. Pallavi N. Dabholkar, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.
DATE : 24th MARCH 2026.

P.C. :

1. Heard Mr. Manish Khadakban, learned Advocate for the Applicants/Petitioners and Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent.
2. By the present Interim Application, the Applicants are seeking recall of the order dated 20.01.2026 by which Criminal Writ Petition No. 6440 of 2026 was dismissed for non-prosecution.
3. Order dated 20.01.2026 reads as follows :-

“1) None appears for Petitioners, when called out for hearing. Record indicates that, on earlier date also i.e. on 5th January 2026, none had appeared for the Petitioners. It

appears that, the Petitioners are not interested in pursuing the Petition.

2) *Dismissed for non-prosecution.”*

4. Mr. Manish Khadakban, learned Advocate for the Applicants states that on account of inadvertent mistake on his part that none appeared on the date the Petition was listed before this Court, which resulted in dismissal of Criminal Writ Petition No. 6440 of 2025. He submits that on account of the lapses on the part of office of the Advocate representing the Petitioners, the Petitioners should not be denied of an opportunity of hearing of the Petition. He therefore requests that the proceedings be restored and the same be heard on merits.

5. Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent submits that as the Advocate for Petitioners has owned the responsibility of his absence on 20.01.2026, she does not object this Application and states that Criminal Writ Petition No. 6440 of 2025 be restored.

6. For the reasons stated in the Interim Application, the statement made by Mr. Manish Khadakban, learned Advocate for the Applicants before this Court today that the lapse was on his part and the No Objection by Ms. Pallavi Dabholkar, learned A.P.P., the dismissal order dated 20.01.2026 is recalled and Criminal Writ Petition No. 6440 of 2025 is restored to its original file.

7. Interim Application No. 922 of 2026 is allowed in terms of prayer clauses (a) & (b).

[ASHWIN D. BHOBE, J.]

Page 2 of 2