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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.924 OF 2026
IN
CRIMINAL WRIT PETITION NO.2426 OF 2023

Nitin Jiyalal Rajak & ors. : Applicants
Versus
State of Maharashtra and anr. : Respondents.

Ms. Aafreen Shaikh i/by Adv. Shivam Srivastav for the Applicants.

Mrs. P. P. Bhosale, APP for the Respondent/State.

Mr. Rakesh D Ghatekari i/by Adv. Pipli Datta for the Respondent No.2.

PSI Shivaji Bhoge, PSI Sunil Parab, Shivaji Park Police Station present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 18 MARCH 2026

PC:-

1. By the present Application, the Applicants have sought for recall of the order dated 18 July 2023 and seeking condonation of delay in filing the present Application for recall.

2. By order dated 18 July 2023 the following order was passed in Criminal Writ Petition No2426 of 2023:-

“1. Despite circulating the Petition by Advocate for Petitioners, none appears for

them when the Petition is called out for hearing.

2. Petition is dismissed for non-prosecution.”

3. Ms. Aafreen Shaikh, learned Advocate for the Applicants, by referring to the Application seeking recall, submits that it was on account of a bonafide mistake on the part of the Advocate appearing for the Petitioners that Writ Petition No.2426 of 2023 came to be dismissed for non-prosecution. She submits that for a mistake of an Advocate, the Petitioners should not be denied an opportunity of canvassing their case on merits.

4. Mrs. P P Bhosale, learned APP for the Respondent/State and Mr. Rakesh Ghatekari, learned Advocate for the Respondent No.2 do not object to the request for recall of the order and restoration of the Writ Petition No.2426 of 2023.

5. In view of the statements made in the Application, submissions of Ms. Aafreen Shaikh and no objection given by Mrs. P P Bhosale, learned APP for the Respondent/State and Mr. Rakesh Ghatekari, learned Advocate for the Respondent No.2, this Application is allowed. The delay is condoned and the order dated 18 July 2023 passed in Writ Petition No.2426 of 2023 is recalled.

6. The Writ Petition No.2426 of 2023 is restored to file.

(ASHWIN D. BHOBE, J.)