

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1136 OF 2026
IN
WRIT PETITION NO. 3255 of 2023**

Anirvan Sibabrata Mukherjee ... Applicant

Versus

State Of Maharashtra And Anr. ... Respondents

Mr. Vishwajeet Nimbalkar i/b Shailesh Kharat for the Applicant.

Mr. Om Latpate i/b Kuldeep Nikam, for the Respondent No. 2.

Ms. Rajeshree Newton, APP for the Respondent – State.

PSI Valmik More, Hinjewadi Police Station, Pimpri Chinchwad,
Pune, is present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 9th April, 2026.

P.C. :

1. By the present Interim Application, the Applicant is seeking condonation of delay in filing an Application seeking recall of the order dated 13.10.2023, by which the Writ Petition No. 3255 of 2023 was dismissed. The order dated 13.10.2023 reads as follows:-

*1. Heard Mr. Ponda, learned Senior Counsel
for the Petitioner.*

2. Issue notice to Respondents, returnable on 7 December 2023.

3. Learned APP waives service of notice on behalf of State.

4. Spare copies of the Petition be supplied within one week, failing which Petition shall stand dismissed without further reference to the Court.

2. Mr. Vishwajeet Nimbalkar, learned Advocate for the Applicant states that it was an inadvertent mistake on the part of the office of the Advocate representing the Applicant that led to non-compliance of the order dated 13.10.2023 and its consequent dismissal. He submits that for the fault of the office of the learned Advocate representing the Applicant, the Applicant may not be denied an opportunity of hearing on merits. He therefore prays that this Application be allowed.

3. Ms. Rajeshree Newton, learned APP for the Respondent – State and Mr. Om Latpate, learned Advocate for the Respondent No. 2, submit that as the Advocate for the Applicant has owned the responsibility, they do not object to the condonation of delay as well as the recall of the order dated 13.10.2023, however on a condition that the Applicant complies with the Order dated

13.10.2023.

4. Mr. Vishwajeet Nimbalkar, learned Advocate for the Applicant states that order dated 13.10.2023 would be complied within a period of 2 days from today.

5. In view of the statements made in the Interim Application and the statements made by Mr. Vishwajeet Nimbalkar, learned Advocate for the Applicant, who has owned the responsibility for the dismissal of the Writ Petition, with the fair stand taken by Mr. Om Latpate, learned Advocate for the Respondent No. 2 and Ms. Rajeshree Newton, learned APP, this Interim Application is allowed. Delay in filing the Application seeking recall is condoned. The order dated 13.10.2023 passed in Criminal Writ Petition No. 3255 of 2023 is recalled subject to payment of cost of Rs. 10,000/-. The Applicant to comply with the order dated 13.03.2023, within a period of 2 days from today, failing which, order dated 13.10.2023 shall stand restored.

6. The Applicant to deposit the costs of Rs. 10,000/- in the below-mentioned account within a period of two (2) weeks from

today.

Account Name :-	High Court Law Library
Account Number :-	10996686636
Bank Name :-	State Bank Of India
Branch Name :-	Mumbai Main Branch
IFSC Code :-	SBIN0000300

7. Compliance affidavit along with proof of deposit be served in the Registry of this Court on or before 27.04.2026.

8. Interim Application is allowed in above-said terms.

(ASHWIN D. BHOBE, J.)

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signed by
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KRISHNA
RODGE
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