



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO. 95 OF 2025
IN CRIMINAL WRIT PETITION NO. 29 OF 2024

(Deepak s/o Gajananappa Pimpalkar & Ors. Vs. The State of Maharashtra & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Vaishnav Ingole h/f Ms K.D. Jadhav, Counsel for the
applicants/petitioners.

Mr. N.H. Joshi, A.P.P for non-applicant/respondent no.1/State.

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CORAM : ANIL L. PANSARE AND
M.M. NERLIKAR, JJ.
AUGUST 20, 2025

By present application, the applicants are seeking to condone delay of 250 days in filing application for recalling order dated 27/6/2024, by which the petition was dismissed as not prosecuted.

2] The learned Counsel for the applicants submits that on 27/6/2024, the arguing Counsel could not connect through V.C. and, therefore, the petition was dismissed. On the point of delay, the Counsel submits that he missed to mark the date and, therefore, was under the impression that the petition will be listed in due course. Later on, he came to know that the petition has been dismissed. Accordingly, the present application.

3] The learned A.P.P. submits that not only the petition was dismissed, but the present application was also dismissed on 30/7/2025, which was later on restored back upon the assurance given by the applicants of attending the matter diligently. He submits that the applicants have repeatedly failed to appear. He further submits that delay has been not justified.

4] We find that there is a justification for not appearing on 27/6/2024. It appears that the Counsel could not connect through V.C. The real issue is the prompt action expected from the Counsel to get the order of dismissal recalled. The applicants have filed the application after 250 days. The reason is that the Counsel missed to mark the matter.

5] Such justification, as such, may not be acceptable, but at the same time, cannot be said to be a false plea as well. What is important is the firm assurance given by the applicants today to follow the petition diligently.

6] In view of above, and for the reasons set out in the application, the application is allowed. Delay is condoned. Order dated 27/6/2024 is recalled. Criminal Writ Petition No. 29/2024 is restored to file.

7] The application is disposed of.

WRIT PETITION NO. 29/2024

8] List in the week commencing from 8/9/2025.

(JUDGE)

(JUDGE)

Sumit