



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPW) NO. 127 OF 2026
IN
CRIMINAL WRIT PETITION (WP) NO. 711 OF 2024 (D)

Kumudbai Wd/o Narayanrao Pohnekar and others

Versus

The State of Maharashtra through the Additional Chief Secretary, Mumbai and
others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.V.Mahajan, Advocate for the petitioners.

Shri Sagar Ashirgade, APP for the respondent/State.

Shri Anand Parchure, Advocate for the respondent no.4.

**CORAM : URMILA JOSHI-PHALKE &
NIVEDITA P. MEHTA, JJ.**

DATED : 27th APRIL, 2026.

By this application, the applicants/petitioners are seeking condonation of delay. which is caused in filing the restoration application as the writ petition was dismissed for non removal of office objection.

2. Learned counsel for the petitioner submitted that on 17.07.2025 he filed the corrected petition. Thereafter, the matter was listed before this Court on 22.09.2025, by which, this Court has directed to remove office objections within a period of two weeks failing which the petition shall stand dismissed without further reference to the Court.

3. Petitioners filed a pursis on 01.10.2025 specifically stating that the office objections are in respect of certain documents on which the petitioners are not relied upon and therefore under *bona fide* impression that this petition was pending before this Court. Suddenly, on 06.04.2026, upon making inquiries the petitioners came to know for the first time that the petition had already been dismissed on 06.10.2025.

4. Thus, after knowledge he filed this application and submitted that considering the reasons mentioned in the application which appears to be sufficient and reasonable for condonation of delay, therefore, the application deserves to be allowed.

5. Learned counsel for the respondent no.4 and learned Additional Public Prosecutor strongly opposed this application on the ground that the reasons mentioned in the application are not sufficient for condonation of delay and hence application deserves to be rejected.

6. On perusal of the grounds raised in the application, it appears that the petitioners have filed a pursis stating that the office objections which are raised by the office regarding some faint documents on which he has not relied upon and thereafter he was under the impression that the petition is pending, but the petition was already dismissed on 06.10.2025 itself.

7. Considering the reasons mentioned in the application, it appears to be just and reasonable and therefore the delay of 153 days deserves to be condoned subject to the costs of Rs.3,000/-. The costs of Rs.3000/- be deposited in the Public Welfare Account bearing Account No. 129712010001014 with IFSC Code UBIN0812978. On payment of the costs, the writ petition be restored on its original stage.

8. Civil application stands disposed of.

Criminal Writ Petition No. 711 of 2024

On restoration of the writ petition, Shri Ashirgade, learned Additional Public Prosecutor waives service of notice on behalf of the respondent nos. 1 to 3/State. Shri Anand Parchure, learned counsel waives service of notice on behalf of the respondent no.4.

2. List the matter after vacation.

[JUDGE]

[JUDGE]