

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 366 of 2015
(In Criminal Writ Petition No. 703 of 2008)

Sambhaji s/o. Govindrao Jadhav.

.. Applicant.

versus

The State of Maharashtra,
Through Police Station,
Bhagya Nagar, Nanded,
& another.

.. Non-applicants.

.....

*Mr. B.B. Dahiphale, Advocate, holding for
Mr. N.P. Patil Jamalpurkar, Advocate, for the applicant.*

*Mr. S.G. Karlekar, Additional Public Prosecutor,
for non-applicant no.1 - State.*

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 29TH JANUARY 2015

PER COURT :

1. Heard Adv. Mr. B.B. Dahiphale h/f. Adv. Mr. N.P. Patil Jamalpurkar for the applicant, and learned APP Mr. S.G. Karlekar for respondent no.1 - State.

2. By the present application, the applicant has prayed to restore

Criminal Writ Petition No. 703 of 2008, as against respondent no.2. The Criminal Writ Petition No. 703 of 2008 was dismissed, as against respondent no.2, by order dated 25th April 2014, as the petitioner failed to serve the said respondent inspite of several opportunities. The applicant has also prayed to condone the delay in filing the present application and to issue fresh notice to respondent no.2.

3. For the reasons stated in the application, the Application is allowed. Delay is condoned. The order dated 25th April 2014 is set aside. Criminal Writ Petition No. 703 of 2008 is restored, as against respondent no.2. Issue fresh notice to respondent no.2, returnable on 2nd March 2015. Humdast permitted. In addition to regular mode of service, the petitioner to serve respondent no.2 by private notice and file affidavit of service on or before 25th February 2015.

4. The Criminal Application is disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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