

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

CRIMINAL APPLICATION NO. 1018 OF 2015

ANIL BABULAL KATARIYA

V/S

THE STATE OF MAHARASHTRA AND ANR.

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Mr. N.B.Narwade, Advocate for Applicant.

Mr. V.D.Godbharle, A.P.P. for R – 1 State.

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CORAM : V.M.DESHPANDE, J.

DATE : 25TH FEBRUARY, 2015

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PER COURT :

1. Since the order dated 21/11/2014 passed by this Court was not complied with by the present petitioner in not supplying the address of respondent No. 2, in view of the conditional order passed on the said date, the petition in so far as respondent No. 2/ original accused is dismissed.

2. The present application is filed for recalling the said order and giving opportunity to supply fresh address of respondent No. 2 and also permitting the applicant/petitioner to take such steps in order to serve respondent No. 2/original accused.

3. Heard Mr. N.B.Narwade, the learned counsel for the applicant and the learned A.P.P. for the State. I have also gone through the contents of the application.

4. In order to advance the cause of justice, the order dated 21/11/2014 needs to be recalled and fresh opportunity has to be given to the present petitioner for effecting the service on the original accused/respondent No. 2. Since the application is moved beyond time, for the reasons stated in the application, the delay in moving the present application is condoned. The order dated 21/11/2014 is hereby recalled. The applicant/petitioner is directed to give fresh address of respondent No. 2/original accused and shall take such other steps for effecting service on respondent No. 2/original accused.

5. With this observation, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr. Apln. 1018.2015