

Ladda

*IN THE HIGH COURT OF JUDICATURE AT  
BOMBAY*

*CRIMINAL APPEALTE JURISDICTION*

*CRIMINAL APPLICATION No. 137 of 2014  
IN  
CRIMINAL APPEAL No. of 2014.*

*Mr Haresh N. Maniar*

*..Applicant.*

*Vs*

*State of Maharashtra*

*..Respondent.*

Mr P. V. Dhopatkar, Advocate for the Applicant.

Mrs P.P. Bhosale, APP for the State.

*CORAM : A.R.JOSHI,J*

*DATE : 17<sup>th</sup> JUNE, 2015*

*P.C. :*

1) Earlier notices were directed to be served against the respondents. The applicant was also directed to serve the respondents by private notice. Notices remained unserved with the endorsement “unclaimed, returned to sender”. The applicant filed affidavit of service stating that the notices were returned with remark “unclaimed”.

2) Heard learned counsel for the applicant in this

application for condonation of 377 days in filing the appeal along with application for leave to challenge the order of acquittal of the respondent Nos. 2 and 3 in the matter of offence punishable under Section 138 of N.I. Act. For the reasons mentioned in paragraph no.4 of the application as to ill health of the applicant, a senior citizen, the present application for condonation of delay is allowed. Delay is condoned. Application is disposed of.

3) So far as the admission of the appeal and grant of leave is concerned, the respondents are required to be served afresh with the copy of the appeal memo and application for leave to appeal.

4) The applicant to serve the respondent Nos. 2 and 3 by all possible modes and also by RPAD.

5) Learned APP for the State waives service.

6) Stand over to 8<sup>th</sup> July, 2015.

*(A.R.JOSHI, J.)*