

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.5911 OF 2015
IN
CRIMINAL WRIT PETITION NO.1183 OF 2013

GANESH S/O SAKRU RATHOD

APPLICANT

VERSUS

THE STATE OF MAHARASHTRA

RESPONDENT

Mr.G.P.Shinde, Advocate for the applicant.

Mr.S.G.Karlekar, APP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 16/06/2016

PER COURT :

1. The applicant, by this application, prays for condonation of delay and for serving the unserved respondents through paper publication. It is, therefore, prayed that the order dated 26/06/2015, by which the petition was dismissed in default, be recalled. It is further submitted that considering the effect of Section 65 of the Cr.P.C., the applicant / petitioner is willing to have the notice published in Marathi "Dainik Lokmat" Nanded Edition.

2. Learned APP opposes the application.

3. For the reasons set out in the application, same is allowed.

Delay of 93 days is condoned. Order of this Court dated 26/06/2015 is recalled and the criminal writ petition is restored to the stage at which it was dismissed.

4. Issue notice to the respondents in the writ petition, returnable on 15/07/2016. The applicant/petitioner shall get the notice published in Marathi "Dainik Lokmat" Nanded Edition at least 10 days prior to the returnable date and produce a copy of the newspaper to evidence such publication.

5. In the event of non-compliance of this order, same shall stand recalled and this criminal application shall then stand dismissed by restoring the order dated 26/06/2015.

(RAVINDRA V. GHUGE, J.)