

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

**CRIMINAL APPLICATION NO. 6817 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 296 OF 2010 (Disp)**

Devanand s/o Kaduba Landge ...Applicant

versus

Pandit s/o Sarjerao Bankar & anr ...Respondents

.....
Mr. S.A. Deshmukh, Advocate h/f Mr. J.V. Deshpande, Advocate for
applicant
Mr. D.V. Tele, A.P.P. for respondent No. 2
.....

CORAM : N.W. SAMBRE, J.

DATE : 30th MARCH, 2016

ORAL ORDER :

On 07/01/2016 this Court has ordered issuance of notice.

2. Thereafter, the Court has granted two chances to the applicant to effect the service on respondent No.1 and noted that on 11/02/2016 notice was returned unserved with remark ' respondent was not found on the given address'. The police report to that effect is already placed on record.

3. In spite of above, this Court proceeded to grant one

week time to the Counsel for the applicant on 25/02/2016 to furnish fresh address for service on respondent No. 1.

4. The applicant has furnished address on 23/03/2016. Upon perusal of the same, it depicts that the correct address as was furnished is same, as was mentioned in the cause title of the application on which the Court notice earlier ordered was returned unserved by endorsement 'respondent was not found on the said address'.

5. Leave apart above, the matter was thereafter listed before this Court on 29/03/2016 when learned Counsel for the applicant was absent and as such, the matter came to be posted today with an endorsement 'for dismissal'.

6. In the first session, when the matter was called, none appears for the applicant, however, in second session, Mr. S.A. Deshmukh, learned Counsel appeared and submitted that time be granted to the present applicant for effecting service on respondent No. 1. When the above referred conduct of the applicant is brought to the notice, learned Counsel felt helpless. He submits that the Court may grant last chance in the matter to clarify the above referred position.

7. The fact remains that fresh address as is furnished, as is reflected from the record, does not appear to be correct one. In this background, it will be appropriate to observe that the matter is dismissed for want of prosecution. As such, the application stands dismissed, for want of prosecution.

[N.W. SAMBRE, J.]