

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPLN) NO.102/2014

Nilima D/o Manohar Sawale @ Nilima W/o Mohnish Khandelwal
..Versus..
Mohnish S/o Anil Khandelwal and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 9.2.2016

Heard Shri N.R. Tekade, advocate for the applicant and Shri
M.J. Khan, A.P.P. for non-applicant no.2.

The office note shows that the report regarding service on
non-applicant no.1 is not received by the office of this Court.

The learned A.P.P. has submitted that he has called report by
fax which shows that the non-applicant no.1 is not residing on the
address given in the application and, therefore, the notice could not be
served.

The learned A.P.P. has pointed that the non-applicant
no.2 - State has filed Miscellaneous Criminal Application No.82/2014
before the Sessions Court praying for cancellation of bail granted to

the non-applicant no.1. It is submitted that for want of correct address the non-applicant no.1 is not served in that matter also.

Miscellaneous Criminal Application No.82/2014 is filed by the non-applicant no.2 - State before the Sessions Court on 6th September, 2014 and the present application is filed by the applicant on 19th September, 2014.

In view of the above facts, I am of the view that the applicant can move the Sessions Court in the matter and if the application is filed by the applicant, the Sessions Court shall decide the application along with Miscellaneous Criminal Application No.82/2014 pending before it.

The application is allowed in the above terms.

JUDGE

Tambaskar.