

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

**CRIMINAL APPLICATION NO. 1423 OF 2017
IN
CRIMINAL APPLICATION NO. 2295 OF 2016
IN
CRIMINAL APPLICATION NO. 2296 OF 2016**

Devidas Dajisaheb Bhaerao ...APPLICANT

versus

The State of Maharashtra & anr ...RESPONDENTS

.....
Mr. Pratik A Bhosle, Advocate for applicant
Respondents No. 1 and 6 served

...

CORAM : K.K. SONAWANE, J.

DATED : 29th JUNE, 2017.

Order :-

1. Heard learned counsel for the applicant.
2. Despite service of notice, respondents No. 1 and 6 have not caused their appearance. It has been submitted that respondents No. 3 to 5 are deliberately avoiding the service of notice in present matter. Respondents No. 3 to 5 are residing in the same premises where respondents No. 1 and 6 are served with notice. Therefore, the learned counsel prays to permit the applicant to serve respondents No. 3 to 5 by way of paper publication in daily newspaper.
3. It is to be noted that matter pertains to acquittal of

respondents - accused under section 138 of the Negotiable Instruments Act. During the course of argument, learned counsel also prays to serve the respondents-accused No. 3 to 5 by private service and prayed for *Hamdast*.

4. Considering the subject-matter, I find substance in the contentions propounded on behalf of the applicant for service of notice privately through fastest mode of service in addition to regular service as well as personal attendance of respondents Nos. 3 to 5 is just, proper for adjudication of the matter of issue on merits.

5. In view of the above, reissue notice to respondents No. 3 to 5, returnable on 20th July, 2017.

6. In addition to regular mode of service, the applicant to serve respondents No. 3 to 5 by private notice/service i.e. e-mail, fax, RPAD etc. and as may be permissible in law and file affidavit of service along with tangible proof before the returnable date.

7. *Hamdast* allowed.

8. Accordingly, present application stands disposed of.

[K. K. SONAWANE]
JUDGE