

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.34 OF 2015
IN
CRIMINAL APPLICATION NO.612 OF 2010**

Shri Anil Devichand Oswal)...Applicant

V/s.
Mohan Gopaldas Talreja & Anr.)...Respondents

None for the Applicant.

Ms. V.S.Mhaispurkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 11th JANUARY 2017.

P.C. :

None for the Applicant. It is seen from the office endorsement that notice issued to respondent no.1 returned back with remark that 'Respondent No.1 is not residing at the given address'. It is seen from the documents annexed to the affidavit of private service that envelope sent to Respondent No.1 by RPAD was not on the address of Respondent No.1. Respondent No.1 in the instant application is Mohan Gopaldas Talreja whereas photocopy of the envelope filed at page 4 of the affidavit of service

dated 11.12.2015 is addressed to one Laxman Janu Mang. In affidavit of service, it is stated that envelope is returned back with remark 'Not Claimed'. Photo-copy of the envelope, which was sent not to Mohan Gopaldas Talreja but to somebody named as Laxman Janu Mang shows that postal authorities returned that envelope with endorsement that addressee is dead. Prima-facie, it shows that applicant is not serious in prosecuting this application where delay of two years and 271 days is sought to be condoned.

2 In this view of the matter, applicant to furnish fresh and correct address of the Respondent No.1 within a period of one week from today for effecting service on the Respondent No.1 failing which application shall stand dismissed without reference to the Court.

(A. M. BADAR, J.)