

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.64 OF 2017  
IN  
CRIMINAL APPLICATION NO.395 OF 2015

|                                        |             |
|----------------------------------------|-------------|
| Bhimrao Abaso Ghadge                   | Applicant   |
| versus                                 |             |
| Rajprasad Bhimrao Deshmukh and another | Respondents |

Mr.Vikas Kolekar for applicant.

CORAM : PRAKASH D. NAIK, J.  
DATE : 24<sup>th</sup> August 2017

PC :

1. This is an application for restoration of Criminal Application No.395 of 2015. By order dated 22nd April 2016, the applicant was directed to take steps to serve Respondent no.1 within a period of four weeks and it was further directed that failure to comply with the said direction would result in dismissal of the application without further reference to the Court.

2. Learned advocate for applicant submits that for non-compliance of the said order dated 22nd April 2016, the application has been dismissed. It is submitted that the applicant had tried to serve the first respondent earlier but the notice could not be served on him.

3. Taking into consideration the averments made in this application, the order dated 22nd April 2016 can be recalled. Hence, I pass following order :

**ORDER**

(i) Criminal Application No.64 of 2017 is allowed in terms of prayer clause (b);

(ii) The order dated 22nd April 2016 is recalled to the extent it dismissed the application;

(iii) The applicant is directed to take steps to serve the respondent no.1 within a period of four weeks and file affidavit of service within the same period.

(PRAKASH D. NAIK, J.)

MST