

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.88 OF 2017
IN
CRIMINAL APPLICATION NO.425 OF 2016**

Shakuntala Eknath Sose ... **Applicant**
V/s.

The State of Maharashtra & Anr. ... **Respondents**

.....
Mr.Chetan Patil i/b Mr.Subhash Hulyalkar, Advocate for the
Applicant.

Mr.S.V. Gavand, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 30th NOVEMBER 2017.

P.C. :

1 Heard the learned Advocate appearing for the
applicant as well as the learned Additional Public Prosecutor
appearing for the respondent/State.

2 This is an application for restoration of Criminal
Application No.425 of 2016 by which the applicant had sought for
transfer of Criminal Case No.589 of 2014 from the Court of the
learned Judicial Magistrate First Class, Junnar, District Pune to the
Court of Metropolitan Magistrate, Mumbai. Though respondent
No.2 is a private person, no notice is required to be issued to

respondent No.2 for the simple reason that when the Criminal Application No.425 of 2016 was dismissed in default he was neither noticed nor he had appeared before the Court *suo moto*.

3 Considering the fact that the Criminal Application bearing No.425 of 2016 was dismissed in default as none appeared for the applicant when the matter was called out for hearing, I see no reason to refuse prayer for restoration of the said application. Hence, the Order :

- (i) Criminal Application bearing No.425 of 2016 is restored to the file by recalling the Order dated 13th January 2017 dismissing it in default.

(A.M.BADAR J.)