

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.121 OF 2016

IN

CRIMINAL APPLICATION NO.195 OF 2015

POPAT MARUTI GHANVAT)...APPLICANT

IN THE MATTER BETWEEN

POPAT MARUTI GHANVAT)...APPLICANT

V/s.

SHIVLAL DHONDIBA DHANUKADE & ORS.)...RESPONDENTS

Mr.Sumit Kate i/b. Mr.Uday Warunjikar, Advocate for the Applicant.

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

CORAM : A. M. BADAR, J.

DATE : 6th APRIL 2017

P.C. :

1 Heard the learned advocate appearing for the applicant as well as the learned APP for respondent no.3. It is not necessary to issue notice to respondent nos.1 and 2 as this is an

application for restoration and proceedings were dismissed in default because the applicant had not taken effective steps to serve respondent nos.1 and 2.

2 Heard the learned advocate appearing for the applicant. The learned advocate submits that inadvertently fresh address of respondent nos.1 and 2 could not be supplied to the Registry for effecting service on them, and therefore, the application came to be dismissed. The learned advocate for the applicant further argued that unfortunately, he could not notice dismissal of the application in default, and therefore, the delay occasioned in filing the application for restoration.

3 I have also heard the learned APP.

4 For the stated reasons, delay in filing the application for restoration is condoned and the application for restoration of Criminal Application No.195 of 2015 is allowed.

5 Criminal Application No.195 of 2015 is restored to file.

(A. M. BADAR, J.)