

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL MISC.APPLICATION NO.330 OF 2016

in

CRIMINAL APPLICATION NO.1370 OF 2011

Shri Bharat Shroff ...

Applicant

vs

Angello Fernandes & ors

Respondents

Mr.Samarendranath Choudhary for Applicant

Mr.PH.Gaikwad APP for State

..

CORAM: G.S.KULKARNI, J

DATE : 4 JANUARY 2017

P.C.

1. Heard learned counsel for the applicant.
2. On 19.7.2016 this Court had issued notice to the respondents. In addition to Court notice, Advocate for the applicant was permitted to serve respondent nos.1 to 3 by Advocate's notice and file affidavit of service before the returnable date. In pursuance of the said order, learned counsel for the applicant has placed on record affidavit of service of Mr.Sumar Choudhury Advocate of the applicant inter alia stating that service on respondent nos.1 to 3 as directed by the Court is complete in as much as service has been received by respondent nos. 1 to 3. The said affidavit is taken on record. Respondent no.1 has refused

to accept the envelope containing the notice of the applicant's Advocate. The postal acknowledgment to that effect is annexed to the affidavit. By this application, the applicant is seeking restoration of criminal application No.1369 of 2011 which was dismissed by this Court for non-prosecution by an order dated 20.11.2015.

3. For reasons as contained in the criminal application and more particularly as contained in paragraph nos. 6 to 8 it will be in the interest of justice that this application is allowed. It is accordingly allowed in terms of prayer clauses (a) and (b). No costs.

{G.S.KULKARNI, J}