

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.327 OF 2017
IN
WRIT PETITION NO.2328 OF 2016

Vasudev Karunakar NambiyarApplicant
V/s.
The State of Maharashtra & Anr.Respondents

Mr. Subhash Zha i/by Law Global, Advocate for Applicant.
Mr. J.P.Yagnik, APP for the Respondent-State.

CORAM :- R.M. SAVANT &
SANDEEP K. SHINDE, JJ.

DATE :- 10TH AUGUST, 2017.

PC. :-

The above Criminal Application has been filed for restoration of the above Writ Petition which is sought to be dismissed for non-prosecution on account of the conditional order dated 6.2.2017 passed by a Division Bench of this Court (A.S.Oka and Smt. Anuja Prabhudessai, JJ.). By the said order, time to supply spare copies was extended by the Division Bench by a period of three weeks from the said date and in default, Petition was to stand dismissed for non-prosecution. In view of the non-compliance of the said order that the Petition has stood dismissed for non-prosecution.

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It is required to be noted that in the appearance recorded on the said date, appearance in respect of the respondent no.2 is of Advocate Mr. Ashish Agarkar. The learned counsel Shri Jha states that when copy of the above Criminal Application was sought to be served on Advocate Mr. Ashish Agarkar, he has informed by SMS and telephone call that he is not concerned for the respondent no.2.

2 Be that as it may, since the Petition has been dismissed for non-removal of office objections, it would be just and proper to allow the above Criminal Application and restore the Petition to file. The above Criminal Application is, accordingly, allowed and made absolute in terms of prayer clause (a). Place the above Petition for admission on 31.8.2017. In the interregnum, the Petitioner to serve Respondent No.2 by private advocate's notice and file affidavit of service.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)