

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1313 OF 2011**

The State of Maharashtra	...Appellant
Versus	
Vipul Soniram Kolita & Ors.	...Respondents

Mrs. G. P. Mulekar, A.P.P for the Appellant-State

None for the Respondents

**CORAM : SMT. V. K. TAHILRAMANI &
REVATI MOHITE DERE, JJ.
MONDAY, 23rd JANUARY, 2017**

P.C. :

1. This appeal against acquittal was admitted by this Court by order dated 19th September, 2011. Action was directed under Section 390 of the Code of Criminal Procedure against the respondent-accused. However, it is seen that the warrants have not been executed against any of the respondent-accused.

On 20th February, 2015, the appellant was granted time to furnish the correct addresses of respondent Nos.1 to 3. Thereafter, time was extended by orders dated 13th March, 2015, 17th April, 2015, 10th June, 2015 and 8th July, 2015. On 19th August, 2015, when the matter came up before this Court, it was

noticed that though time has been granted on various occasions to serve respondent Nos. 1 to 3 or to furnish the correct addresses of respondent Nos. 1 to 3, however, neither respondent Nos. 1 to 3 have been served nor the correct addresses of respondent Nos. 1 to 3 have been furnished. Hence, in the order dated 19th August, 2015, it was observed that “as a last chance, we grant time upto 14th September, 2015 to either serve respondent Nos. 1 to 3 or to furnish correct addresses of respondent Nos. 1 to 3”. In the said order, it was further observed that “if the same is not done by 14th September, 2015, the appeal will stand dismissed in relation to the unserved respondents or the respondents whose correct addresses have not been furnished”. However, it is seen that till today, none of the respondents have been served nor the correct address of any of the respondent is furnished.

2. In this view of the matter, the appeal stands dismissed.

(REVATI MOHITE DERE, J.)

(V. K. TAHILRAMANI, J.)