

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1389 OF 2016

IN

CRIMINAL APPEAL NO.247 OF 2008

THE STATE OF MAHARASHTRA)...APPLICANT

V/s.

ASGAR ABDUL SATTAR)...RESPONDENT

Ms.A.A.Takalkar, APP for the Applicant – State.

Ms.Heena Suvarnakar i/b.Mr.H.S.Patil, Advocate for the Respondent.

CORAM : A. M. BADAR, J.

DATE : 15th FEBRUARY 2017.

P.C. :

1 This is an application for recalling the order dated 22nd July 2016 passed by this court which reads thus :

“The appellant to take appropriate steps to serve the respondent no.1 within a period of four weeks from today failing which the appeal shall stand dismissed as against the respondent no.1, without further reference to this court.”

2 Perused the application and heard the learned APP
appearing for the State. It is seen from the record as well as the
pleadings made in the application that the appellant / State had
taken all necessary steps for effecting service on respondent no.1
in Criminal Appeal No.247 of 2008. It is stated in the application
that an application under Section 82 of the Code of Criminal
Procedure was also filed before the concerned court for
proclamation. However, respondent no.1 / accused could not be
traced out.

3 In this view of the matter, the application is allowed.

4 The order dated 22nd July 2016 is recalled.

5 The applicant / appellant to take necessary steps for
effecting service on respondent no.1 in the appeal.

(A. M. BADAR, J.)