

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 1471 OF 2016
IN
CRIMINAL APPEAL NO.246 OF 2015**

Proactive In & Out Advertisement
Pvt. Ltd.

.. Applicant

Vs.

M/s. Ishitva Nirmal Health Care
P. Ltd. & Ors.

.. Respondents

.....

Ms. Devki R. Sahu i/b. Mr. A. M. Saraogi, Advocate for the
Applicant/Appellant.
Mr. P. H. Gaikwad, Advocate for Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 15, 2017.

P.C. :

Heard learned advocate for the applicant. This is an application for substituted service to respondent nos. 1 and 2. Learned advocate for the applicant submits that notice was issued upon respondent nos.1 and 2 by this Court which was forwarded to the said respondents however they were not found at the given address. Although they were available at the given address, they were found absent in the premises. It is further stated that an attempt was made to serve respondent nos.1 and 2 by the advocate for the applicant, however, the premises of

respondent nos.1 and 2 were found to be locked. It was further submitted that the respondents are avoiding the service of the proceedings upon them. In the said circumstances, it was prayed that the applicant may be permitted to serve notice upon respondent nos.1 and 2 by way of substituted service i.e. by forwarding the notice by registered Post AD and/or by pasting the notice on the said premises. It was also submitted that the address of respondent nos.1 and 2 is the same which was mentioned in the proceedings before the trial Court.

2 Considering the aforesaid circumstances, the applicant is permitted to serve respondent nos.1 and 2 by way of substituted service by pasting the notice/proceedings at the premises of respondent nos.1 and 2, as mentioned in the cause title of the application.

3 The application stands disposed of.

(PRAKASH D. NAIK, J.)