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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1012 OF 2016

IN

CRIMINAL APPLICATION NO.61 OF 2015

J M Pandey

... Applicant

vs.

Adil Rustomjee & Anr.

... Respondents

Mr. O.A. Siddiqui for the Applicant.

Respondent no.1 present.

Ms. N. S. Jain, APP, for the Respondent-State.

CORAM : A.K. MENON, J.

DATE : 20th JUNE, 2017

P.C.

1. The learned counsel for the applicant states that inadvertently a copy of the application has not been served upon the respondent. He undertakes to serve a copy of the application during the course of the day.

2. By this application, the applicant seeks the following prayer:-

"That the order dated 28th November, 2016 be modified by vacating the Rule listing it for hearing on the point of maintainability."

3. At the outset, the learned counsel points out that although the application has not been served, the relief sought is modification of an order dated 28th November, 2016. According to him he has not been heard on the point of maintainability. The order clearly indicates that the respondent no.1 was

not present and Rule has already been issued. The hearing is expedited. In the circumstances, there is no occasion to modify the same. Hence, there is no substance in the application. I therefore pass the following order:-

- (i) Application is dismissed.
- (ii) No order as to costs.

(A. K. MENON, J.)