

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**Criminal Application No. 1367 of 2017**

(Pravina Suresh Kamdi...Vs... Suresh Bhaurao Kamdi & ors.)

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| Office Notes, Office Memoranda of Coram,<br>appearances, Court's orders or directions<br>and Registrar's orders | Court's or Judge's orders. |
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Mr. J.D. Bastian, Counsel for appellant.

**CORAM : ROHIT B. DEO, J.**

**DATE : 21.08.2017.**

Heard.

This is an application for taking  
recourse of section 65 of the Criminal  
procedure Code.

The report of the Registry reveals  
that notice to respondents 2, 8 and 9 is  
received back unserved for want of correct  
address. It is obvious, that section 65 of the  
Criminal Procedure Code cannot be invoked  
since the notice is returned unserved with the  
said endorsement. Respondent 4 is reported  
to have died. Notice to respondent 7 is

received back without any report.

In this situation, it would be appropriate to hear the learned counsel on condonation of delay and leave to file appeal. Let the matter be listed for further consideration on 28.8.2017.

**JUDGE**

*Belkhede, PA*