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

**CRIMINAL APPLICATION NO. 129 OF 2016
IN
CRIMINAL APPLICATION NO.1866 OF 2007**

Shri Babalu Rajaram Rajput

.Applicant

Vs

Nandkumar Baburao Airekar & Anr.

..Respondents

Mr. Amit B. Borkar for applicant.

Mr. V.V. Gangurde, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 2nd APRIL 2018.

P.C.:

1] This is an application for restoration of Criminal Application No.1866 of 2007 which was dismissed for non-prosecution by an order dated 5th January 2012.

2] Heard the learned Counsel for the applicant and the learned APP.

3] It is seen from the endorsement put up by the Registry that, the respondent No.1 has refused to accept the notice issued to him. As such it can be safely concluded that the respondent No.1 is duly served with the notice of the present application.

4] For the reasons stated in the application and in the interest of justice, the application is allowed in terms of prayer clause (b).

(A.S.GADKARI, J.)