

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.274 OF 2014

M/s. Anand Rathi Financial Services Ltd.
(now known as M/s. Anand Rathi
Share & Stock Brokers Ltd.

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondents

.....

Mr. Pradip Shukla, Advocate for the Applicant.

Mrs. M.R. Tidke, APP for the Respondent/State.

Mr. Sahil Mahajan i/b. Ms Sonal Koli for Respondent No.2.

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CORAM : A.M.BADAR, J.

DATED : 5th OCTOBER 2018.

P.C. :

1. Heard both sides.
2. Perused the impugned Judgment and Order of the appellate Court.
3. Record shows that the statutory notice was sent on the address, which is confirmed by the accused while executing

P.R.Bond before the learned trial Court. The learned trial Court had allowed the complaint by recording conviction whereas the appellate Court has upset it on the ground of non-service of the statutory notice. Case for consideration is, therefore, made out. As such the order:

:- ORDER :-

- (i) Leave as prayed is granted.
- (ii) Memo of Application for leave to appeal be considered as Memo of Appeal on effecting necessary amendments thereto.
- (iii) Leave to amend to that effect is granted.
- (iv) Admit.
- (v) Issue notice to the respondents.
- (vi) Mr. Sahil Mahajan, learned Counsel waives notice for respondent no.2/original accused.
- (vii) The learned APP waives notice for respondent No.1/State.
- (viii) Call for Record and Proceedings.
- (ix) In the meanwhile, in lieu of action under Section 390 of the Code of Criminal Procedure, respondent No.2/original

accused to execute P.R. Bond in the sum of Rs.15,000/-
before the learned Trial Court within a period of four weeks
from today.

(A.M.BADAR J.)