

Vidya Amin.

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

**CRIMINAL APPLICATION NO. 414 OF 2018 IN W.P. NO.779/2005
WITH
CRIMINAL APPLICATION NO. 415 OF 2018 IN W.P. NO.767/2005
WITH
CRIMINAL APPLICATION NO. 416 OF 2018 IN W.P. NO.777/2005
WITH
CRIMINAL APPLICATION NO. 417 OF 2018 IN W.P. NO.768/2005
WITH
CRIMINAL APPLICATION NO. 418 OF 2018 IN W.P. NO.776/2005
WITH
CRIMINAL APPLICATION NO. 419 OF 2018 IN W.P. NO.770/2005
WITH
CRIMINAL APPLICATION NO. 420 OF 2018 IN W.P. NO.769/2005**

Shree Nagani Silk Mills Pvt. Ltd. ... Applicant

vs.

L.D. Textile Industries Limited & Ors. ... Respondents

Mr. Anil Kumar K. Patil, Advocate for the applicant.

Mrs. Rutuja Ambekar, APP for the respondent/State.

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: 17th October, 2018

P.C. :

These Applications were moved for restoration of Writ Petitions which were dismissed on 1st October, 2018 for non-prosecution.

2. The learned counsel for the applicant submitted that the Writ Petitions were adjourned for 3rd October, 2018, however, it was

listed on 1st October, 2018 and called out on that date. As none was present, Writ Petitions were dismissed for non-prosecution. The learned counsel prays for restoration of these Writ Petitions. The learned counsel for the applicant submitted that he tried to serve the respondent's counsel, however, their office was closed.

3. The offence is under section 138 of Negotiable Instruments Act. The applicant is a complainant. On perusal of the record and order dated 24th September, 2018, it appears that the Writ Petitions were adjourned to 3rd October, 2018, but it was taken up on 1st October, 2018 and was dismissed for non-prosecution. Under such circumstances, it is not necessary to give notice to the other side. However, the learned counsel for the applicant is directed to serve notice and copy of this order to the learned counsel for the respondents/accused.

4. Criminal Applications are allowed. Writ Petitions are restored to its original file. List the Writ Petitions as per CMIS date.

(MRIDULA BHATKAR, J.)