

Rane

* 1/3 * APPW-491-2017 (SR. 17)
Friday, 19.1.2018

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 491 OF 2017

IN

CRIMINAL WRIT Petition NO. 787 OF 2017

Swaranjit Singh Chandhok & Ors.Applicants
(Orig. Petitioners)

V/s.
State of Maharashtra & Ors.Respondents

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Mr. Subhash Jha i/by Law Global, Advocate for the
applicants.

Mrs. A.S. Pai, Additional Public Prosecutor for the
respondent, State.

CORAM :- R.M.SAVANT, &
SANDEEP K. SHINDE, JJ.

DATE :- 19TH JANUARY, 2018.

P.C. :-

1. The above Criminal Application has been filed
for restoration of the above Writ Petition which has stood

dismissed for non-prosecution on account of the conditional order dated 2nd March, 2017. By the said order, the Division Bench of this Court directed the applicants to effect service on the First Informant i.e. respondent no.4 and proper Affidavit of service to be filed on/or before 1st April, 2017. That being not done, the above writ petition stood dismissed for non-prosecution. In the Civil Application, the efforts made by the applicants to serve the respondent no.4 has been mentioned and the factum as to the applicants acquiring knowledge of the dismissal of the Writ Petition on account of affidavit of service being not filed, in our view, since the applicants had made efforts to serve the respondent no.4 as reflected by the averments made in the Civil Application, it would be just and proper to grant another opportunity to the applicant to effect service on the respondent no.4, so that the above Writ Petition could be adjudicated on merits. The above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (a). The Writ

Petition would accordingly stand restored to file.

2. On the above Writ Petition being restored to file, issue fresh notice to the respondent no.4 returnable after 4 weeks i.e. on 15th February, 2018 and to file affidavit of service. The applicants are permitted to serve the respondent through her Advocate, who is appearing for her in the Domestic Violence proceedings, before the Learned Magistrate at Rohini, New Delhi and file affidavit of service. If the affidavit of service is not filed before the returnable date, then the writ petition would once again stand dismissed for non-prosecution. Until the returnable date, the ad-interim relief would continue to operate.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)