

Vidya Amin.

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

**CRIMINAL APPLICATION NO. 85 OF 2019
IN
CRIMINAL APPLICATION No. 395 OF 2015**

Bhimrao Abaso Ghadge ... Applicant
VS.
Rajprasad Bhimrao Deshmukh & Anr. ... Respondents

Mr. Vikas Kolekar, Advocate for the applicant.
Mr. A.R. Patil, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 26th February, 2019**

P.C. :

1. Upon urgent mentioning, taken on production board.
2. This Application is moved for restoration of Criminal Application No. 395 of 2015 which was dismissed for non-prosecution on 7th September, 2018..
3. The service on respondent No. 1 is not required, as the respondent No. 1 could not be served in the Criminal Application, because the name of respondent No. 1/complainant was wrongly mentioned. The amendment in the name of respondent No. 1 was not carried out within time and hence the matter was dismissed for want of prosecution. Today also, same name of respondent No. 1

is appearing.

4. The learned counsel for the applicant seeks leave to amend the name of respondent no. 1. The learned counsel prays that the order dated 7th September, 2018 of dismissal of Criminal Application No. 395 of 2015 for non-prosecution be set aside. The learned counsel further prays that the delay caused in filing this Application be condoned.

5. Leave granted. Amendment to be carried out forthwith. No service to respondent no. 1 of this Application for restoration is required. Under such circumstances, the order dated 7th September, 2018 is hereby recalled. Delay condoned. Criminal Application No. 395 of 2015 is restored to its original file.

6. Criminal Application No. 85 of 2019 is allowed and is disposed of accordingly.

7. In Criminal Application No. 395 of 2015, issue notice to the respondent no. 1 (amended name), returnable on 9th April, 2019. Additionally, private service allowed.

(MRIDULA BHATKAR, J.)