

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

**CRIMINAL APPLICATION NO.86 OF 2018
(For condonation of delay)**

Alephata Co-op. Milk Production Applicant
& Processing Society Limited

Vs.

Tukaram Baburao Hande & Anr. Respondents

Mr. Ranvir Shekhawat i/by Raj Legal for Applicant.
Mr. A.R. Kapadnis, APP for the State.

**Coram : NITIN W. SAMBRE, J.
Date : 12th December 2019**

P.C.:

1. Learned counsel for the applicant has produced a report dated 18th November, 2019 issued by the Police Inspector, Alephata Police Station, Pune (Rural) whereby it is informed to the Registry that the notice issued to the respondent-accused is already served.

2. Since the aforesaid statement by the learned counsel for the applicant is based on the communication issued by the Police Inspector referred above, service on the respondent is complete.

3. The acquittal of the respondent-accused was for non-prosecution of the complaint by the applicant, which was subject matter of challenge in revision before the Sessions Court. The Sessions Court allowed the revision of the applicant thereby ordering restoration of the complaint, which order was upheld by this Court in the petition being Writ Petition No. 902 of 2017.

4. Delay of 2 years and 205 days caused is based on the ground that the applicant was pursuing the remedy before the wrong Forum.

5. In a wake of above, the delay stands condoned.

(NITIN W. SAMBRE, J.)