

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

**CRIMINAL APPLICATION NO.127 OF 2017
(For delay)**

Shakti Raghunath Dalwi Appellant

Vs.

Vikrant D. Patil & Ors. Respondents

Mr. Mahendra Sandhyanshiv for the appellant.

Mr. S.H. Yadav APP for State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 7th January 2019

P.C.:

1 Office note shows that notice issued to respondent no. 1 is returned back with police remark “Wife of respondent no.1 found at home and she stated that respondent no.1 not residing with her since 2013 and address also not known to her”. It was incumbent upon the police to record the statement of the wife of respondent no.1.

2 Learned counsel for the applicant rightly submits that this is a clear indication that respondent no.1 is avoiding service. In view of this, the application seeking condonation of delay of 99 days deserves to be allowed.

3 The application is allowed and stands disposed of. The delay of 99 days is condoned for the reasons assigned in paragraph nos. 4, 5 and 6 of the application.

(Smt. Sadhana S. Jadhav, J)