

2. It is seen that the complaint for the offence punishable

under Section 138 of the Negotiable Instruments Act came to be allowed and Respondent No.3/ Original Accused No.4 along with co-accused persons came to be convicted and sentenced. They carried the said judgment in appeal before the Sessions Court and the said appeal came to be allowed and the accused persons were acquitted of the offence with which they were charged. Hence, this appeal, which is already admitted by this Court on 20th March, 2018.

3. As Respondent No.3/ Original Accused No.4 could not be served, the present criminal application is filed in the said appeal for effecting substituted service.

4. Perusal of the record, shows that Respondent No.3/Original Accused No.4 had given their same address on which the service sought to be effected in this appeal. However, the notice, sent on the address given by Respondent No.3, returned back unserved. Hence, case for the substituted service is made out by the Applicant. Therefore, the following order:

ORDER

(A) Criminal Application No. 1002 of 2019 is allowed.

(B) The Applicant /Appellant is permitted to serve Respondent No.3/ Original Accused No.4 by affixing copy of summon on some conspicuous place in the Court house and also upon some conspicuous part of the house in which he last resided. Similarly, the same be published in a local daily, having wide circulation in Nasik City.

(C) Criminal Application in accordingly disposed of.

(A. M. BADAR, J.)