

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1344 OF 2019

IN

CRIMINAL APPEAL NO.1043 OF 2018

Sandeep Pandurang More & Anr.	...	Applicants
Versus		
The Central Bureau of Investigation & Anr.	...	Respondents

.....

Mr.Ammar I.Nizami i/b. Mohammed Umer Kazi, Advocate for the Applicants.

Mr.Vinod Chate, APP for the Respondent No.2/State.

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CORAM : A.M.BADAR J.

DATED : 9th OCTOBER 2019.

P.C. :

1 This is an application for restoration of Criminal
Appeal No.1043 of 2018, which was already admitted for final
hearing by this Court vide Order dated 19th September 2018.

2 The appeal was challenging conviction of the applicant/appellant of the offences punishable under Section 120B and 420 of the Indian Penal Code as well as resultant sentence imposed on him by the learned trial Court.

3 It is seen that after admission of the appeal, the applicant/appellant failed to furnish spare copy meant for effecting service on the prosecuting agency i.e. Central Bureau of Investigation. The matter was then listed on 29th March 2019 and on that date coordinate Bench of this Court (Honourable Shri.Nitin W. Sambre, J) passed a conditional Order which is to the effect that if the spare copy meant for effecting service is not furnished within three weeks and if the service is not effected within six weeks thereafter, the appeal shall stand dismissed without reference to the Court. It is seen that consequently the appeal came to be dismissed as the applicant/appellant failed to supply spare copy meant for effecting service on prosecuting agency i.e. respondent No.1/CBI.

4 The appeal is challenging conviction and resultant sentence imposed on the applicant/appellant. It was already admitted for final hearing. As such, it ought not to have been dismissed for want of prosecution. The learned Counsel for the applicant/appellant undertake to supply the spare copy meant for effecting service on respondent No.1/CBI within a period of one week from today. It appears that non-furnishing of spare copy was due to inadvertence and, therefore, the Order :

ORDER

- (i) The application is allowed.

- (ii) Criminal Appeal No.1043 of 2018 is restored to the file of this Court.
- (iii) The applicant/appellant to furnish spare copy meant for effecting service on respondent No.1/CBI within a period of two weeks from today.
- (iv) On furnishing spare copy issue notice to the respondent No.1 in Criminal Appeal No.1043 of 2018 making it returnable on **29th January 2020**.

(A.M.BADAR, J.)