

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.986 OF 2020
IN WP/186/2019 WITH APPLN/480/2020**

**DNYANESHWAR S/O. UDDHAVRAO KHARAT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

...
Advocate for Applicants : Mrs. R.R. Tandale h/f. Mr. S.S. Thombre
APP for Respondent/State: Mr. P.G. Borade
...

CORAM : MANGESH S. PATIL, J.

DATE : 22.01.2021

PER COURT :

Heard both the sides.

2. This is an application seeking restoration of the Criminal Writ Petition No. 186/2019 which has been dismissed by the order dated 06.03.2020 which reads thus :

- “1. Learned advocate for the petitioners absent.
2. It appears that there is absolutely no compliance of order dated 21.09.2019 and the fresh address of respondent No.2 has not been supplied.
3. In view of above, writ petition stands dismissed.
4. Pending cri. Application stands dismissed.”

3. Apparently, the Writ Petition has been dismissed for none compliance of the order dated 21.09.2019 for failure to furnish fresh address of the respondent No.2.

4. However, it appears that subsequently by the order dated 06.12.2019 on a statement of the learned advocate for the petitioner that the respondent No.2 has been residing on the same address that a fresh notice was directed to be issued to him to be served on the same address. Even thereafter the matter was adjourned from time to time awaiting service to the respondent No.2 till passing of the order dismissing the Writ Petition in default.

5. Considering the sequences of the event, the Writ Petition along with the pending Application stands restored to the files. Issue notice to the respondent No.2, returnable on 18.02.2021.

(MANGESH S. PATIL, J.)

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