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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2074 OF 2022

IN

APPEAL NO.691 OF 2019

Shri. Lokesh Annaraj Joshi Applicant
Versus
Smt. Anuradha Satyaprakash Kalwani & Ors. Respondents

Mr. Viral Rathod i/b. Saima Sathe a/w. Nemeel Mehta for the Applicant.
Mr. R.M. Pethe, APP for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : 29th AUGUST, 2022

P. C. :

1. This is an application for restoration of Criminal Appeal No.691 of 2019. The said Appeal is filed by the original victim for challenging the order of acquittal passed by the DJ-1 & Additional Sessions Judge, Thane dated 18.01.2019 in Sessions Case No.237 of 2015. The Respondent Nos.1 and 2 herein, who is the original accused, were acquitted for offence punishable u/s.328, 380 r/w.34 of the Indian Penal Code read with Section 3(1)(2)(3) of Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Ordinance, 2013.

2. This Court (Coram : Prakash D. Naik, J.) had passed an order on 01.04.2022 mentioning that the appellant had not provided fresh address of Respondent No.2. If the address of Respondent No.2 was not provided

within a period of two weeks, the appeal would stand dismissed for non-prosecution. Subsequently, the address was not furnished within that period, and therefore, the Appeal stood dismissed.

3. Now, the learned counsel for the applicant pointed out that the Respondent No.1 was represented by an Advocate, and therefore, the appeal could have survived against that respondents. He submitted that, both the Respondent Nos.1 and 2 are husband and wife, and therefore, they are having the same address. He prayed for restoration of the original Appeal.

4. Considering these submissions, the Criminal Appeal No.691/2019 is restored to its original file.

5. The application is disposed of accordingly.

(SARANG V. KOTWAL, J.)