

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

**INTERIM APPLICATION NO. 2688 OF 2021
IN
CRIMINAL APPEAL NO. 484 OF 2016**

Gopani Iron And Power (india) Pvt. Ltd. ...Applicant/Appellant
Versus
Shivmangal Ispat Pvt. Ltd. And Ors. ...Respondents

....

Ms. Nisha Shah a/w Mr. Amar Parab i/by Mr. Kalpesh Joshi Associates,
Advocate for the Applicant/Appellant

Mr. S. V. Gavand, APP for the Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 31st MARCH, 2022.**

PER COURT:

1. The applicant is the original complainant. The respondent No.1 was prosecuted for offence punishable under Section 138 of Negotiable Instrument Act. On the complaint filed by applicant(complainant), the case has resulted in acquittal and the judgment of acquittal has been challenged by the applicant by preferring Criminal Appeal No.484 of 2016. The respondent No.2 in the appeal was arraigned as an accused being director of accused No.1. Notice has been served upon accused No.2 and he is represented by Advocate. However, notice issued to respondent No.1 herein in this application was returned unserved with remark

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the office of company is closed.

2. Learned counsel for the applicant submitted that attempts were made to serve respondent No.1 at the address provided in the proceedings before the trial Court.

3. In these circumstances now it is prayed that the applicant/complainant be permitted to serve respondent No.1 by way of substituted service. The applicant has prayed that notice may be permitted to served upon respondent No.1 by way of pasting/affixing the copy of notice to some conspicuous part of the registered address of respondent No.1 or by substituted service through publication.

4. Considering the submissions, this application is allowed in terms of prayer clause '(b)' of this application.

5. Application stands disposed off accordingly.

6. Stand over to 20th April, 2022 'for compliance'.

(PRAKASH D. NAIK, J.)