

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

86 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.96 OF 2022

**ANANDKUMAR S/O. BISANLAL WARMA
VERSUS
PARMESHWAR S/O. ZIPRU SONAWANE AND ANOTHER**

Mr.B.R. Waramaa, Advocate for the applicant.

Mr.Ujwal Patil, Advocate for respondent Nos. 1 and 2.

**CORAM : KISHORE C. SANT, J.
DATED : 08.02.2023**

PC :-

01. By way of present application, the applicant seeks leave to file an appeal against acquittal challenging order dated 11.06.2014 passed by the learned Judge, Evening Court No.2, Dhule dismissing the complaint of the applicant in default for want of taking steps against the accused. It is specific case of the applicant that as a matter of fact, the respondent-accused was served by way of paper-proclamation as she was avoiding service of notice on her. Thus, there was no question of taking any steps so far as respondent No.2 is concerned. There is no dispute that notice was served on respondent No.1 and he had appeared in the matter. The learned Advocate has also produced on record copy of paper proclamation. Same is taken on record.

02. In view of the same, case is made out. The applicant seeking leave to appeal is allowed.

03. The appeal be registered.

04. After registration of the appeal, same is admitted.
05. Since the learned Advocate Mr. Patil has appeared for respondent No.1, this Court thinks fit to appoint him to represent respondent No.2 also, through legal aid.
06. Learned Advocate Mr. Patil waives service of notice for respondent Nos.1 and 2.
07. Place the appeal on 08.03.2023 under caption “final hearing”.

[KISHORE C. SANT, J.]