

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL M ISC. APPLICATION NO. 85 OF 2022
IN
CRIMINAL APPLICATION (MAIN) NO. 429 OF 2022
(FILING)

Digambar Vithal Kalekar

... Applicant

Versus

The State of Goa, Thr. Public Prosecutor & 3

... Respondents

Ors.

Mr. V. P. Thali, Advocate with *Mr. R. Prabhugaokar,*
Advocate for the Applicant.

Mr. S. G. Bhobe, Public Prosecutor for the Respondent
No.1-State.

Mr. I. Santimano, Advocate for the Respondent No.2.

CORAM: B. P. COLABAWALLA, J
DATED: 13th FEBRUARY 2023

P.C.

1. The above Application is filed seeking direction to the Curchorem Police to serve Respondent Nos. 3 and 4 by affixing the copy of the notice on the outer door or some conspicuous part of the house in which the said Respondent Nos. 3 and 4 ordinarily reside as shown in the cause title of the Criminal Application (Main) No. 429 of 2022 (F).

2. This Application, which is filed under Rules 8(i) and 8(iii)(c) of Chapter XVII read with Rules 1 and 11 of Chapter XXVI of the Bombay High Court Appellate Side Rules, 1960, is necessitated because the report of the Curchorem Police Station stating that the

notices issued to Respondent Nos. 3 and 4 have been returned back unserved, and that at the time of the visit, Mr. Mansur Shaikh, brother of Respondent No. 3 was present, and on inquiry with him, he stated that Respondent Nos. 3 and 4 have left the house in the year 2016 and not returned to the residence. Their whereabouts are also not known to their family members.

3. Having heard the learned Counsel appearing on behalf of the Applicant and after perusing the above application, I am satisfied that a case for notice by affixation is made out.

4. In these circumstances, the above Application is allowed in terms of prayer clause (a), which reads thus :

“(A) The Curchorem Police be directed to serve the Respondent Nos. 3 and 4 by affixing the copy of the notice on the outer door or some conspicuous part of the house in which the said Respondent Nos. 3 and 4 ordinarily reside, as shown in the cause title of the Criminal Miscellaneous Application (Main) No. 429/2022 (F).”

5. The notice to be pasted on the outer door or some conspicuous part of the house in which the said Respondent Nos. 3 and 4 ordinarily reside, is made returnable on 20.03.2023.

6. The Registry is directed to issue the necessary letter to the said concerned Police Station.
7. The above Criminal Misc. Application is disposed of.
8. Place the above Criminal Application (Main) No. 429 of 2022 (F) for admission on 20.03.2023.
9. This Order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

B. P. COLABAWALLA, J