

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

912 CRIMINAL APPLICATION NO. 4779 OF 2024
IN CRIMINAL WP/1197/2024

PRAPHULL KALURAM SHIVALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. Deshmukh Sachin S. & Mr.
Shaikh Majit S.
APP for Respondent No. 1/State : Ms. Priya Bharaswadkar
...

CORAM : SMT. VIBHA KANKANWADI &
R. W. JOSHI, JJ.

DATE : 04.12.2024.

PER COURT :

1. Leave to amend the application.
2. Issue notice to the respondents. Learned APP waives service of notice for respondent No. 1.
3. Learned Advocate for the applicants submits that respondent Nos. 4 to 19 were added to the main Writ Petition in view of order dated 20.07.2024. Almost all other respondents

were served, except respondent No. 4, 10 and 17 as well as steps were required to be taken for respondent No. 3. The notices issued to respondent Nos. 4, 10 and 17 were returned with remark that they are no more. Under such circumstances, this Court on 11.11.2024 passed order directing that the applicants to take steps in respect of them. The applicants were also directed to supply fresh address of respondent No. 3 and it appears that fresh address of respondent No. 3 was not given within time stipulated, then this Court directed the applicants to supply fresh address of respondent No. 3 within said period and if fresh address is not supplied within the stipulated time the petition would be dismissed automatically without further reference to the Court. Under such circumstances, it was in view of the failure of supply fresh address of respondent No. 3, it would have been treated that the petition is dismissed automatically. Since it was a criminal matter the question of taking steps against respondent No. 4, 10 and 17, who are likely to be arrayed as co-accused is concerned, only deletion of their names was accepted.

4. Learned Advocate for the applicants tenders apology

and submits that appropriate steps were not taken but he is ready to take those steps. He seeks leave to amend and delete the name of respondent No. 4, 10 and 17. Further it appears that respondent No. 3 is appeared before this Court through Advocate, under such circumstances also the Writ Petition deserves to be restored by allowing the present application. The application stands allowed. Amendment be carried out within a period of one week. The Criminal Writ Petition No. 1197 of 2024 is restored to its original /earlier stage and be placed for hearing on 14.01.2025 for further consideration.

(R.W. JOSHI)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

mahajansb/