

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION NO. 70 OF 2024

Altaf Ayub Charoliya

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

- Mr. Nikhil S. Kamble, for the Applicant.
- Mr. Tanveer Khan, APP for Respondent – State.
- Mr. Salim Musa Khan, Respondent in person No.2 present.
- Mr. Rahul Pol, API, Vakola Police Station.

CORAM : MANISH PITALE, J.

DATE : 26th August, 2024.

P. C. :

1. In this application on 31.07.2024, this Court found a *prima facie* case made out by the applicant against the contesting respondent No.2. In that light notice was issued to respondents. The learned APP had waived notice on behalf of respondent No.1 – State. The notice was made returnable today. It was directed that the Investigating Officer would serve the notice on the contesting respondent No.2.

2. The learned APP, on instructions, makes a statement that attempts were made to serve the respondent No.2, but he was absconding.

3. At this stage, respondent No.2 has appeared in Court and he submits that notice was not served upon him. Be that as it may, the respondent No.2 has appeared before the Court today. He submits that short

adjournment may be granted to engage an advocate and to file reply affidavit.

4. This Court made it clear to respondent No.2 that further adjournments will not be granted. As a matter of last chance, today adjournment is being granted for respondent No.2 to engage an advocate and file reply affidavit.

5. Accordingly, the reply affidavit on behalf of respondent No.2 shall be filed within two weeks from today.

6. List this application for further consideration on **12th September, 2024**, to be included in the “Supplementary List.”

7. It is reiterated that no further time shall be granted to respondent No.2. Since a statement is made by the learned APP on the instructions of the Investigating Officer that when notice was sought to be served on respondent No.2, he was absconding, respondent No.2 is directed to remain present in the Court on the next date of hearing.

(MANISH PITALE, J.)