

Gitalaxmi

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4594 OF 2024
IN
CRIMINAL WRIT PETITION (STAMP) NO. 8289 OF 2023

Shenaz Ibrahim Shaikh

...Applicant/
Petitioner

Versus

Ibrahim Abdul Jabbar Shaikh & Ors.

...Respondents

Mr. I. M. Khairdi for the Applicant/Petitioner.
Mr. R. M. Pethe, A.P.P. for the Respondent-State.

CORAM Dr. Neela Gokhale, J.
DATED: 29th November 2024

PC:-

1. By order dated 9th January 2024, notices were issued to Respondent Nos. 1 & 3 to 6, returnable after two weeks. Hamdast was permitted. Additionally, the Applicant/Petitioner was permitted to serve notice on Respondent Nos. 1 & 3 to 6 privately and file an Affidavit of service before the next date.

2. Office report dated 30th August 2024 indicates that the Applicant/Petitioner has tendered Affidavit of service in the Court on 20th February 2024. Notices issued to Respondent Nos. 4 to 6 are served. However, notice issued to Respondent No. 1 is returned unserved with the report 'not residing on the given address'. Notice issued to Respondent No. 3 is also returned unserved with a report 'not found at the time of service'.

3. By order dated 12th April 2024, this Court recorded that the notices issued to Respondent Nos. 1 & 3 were not served and directed the Applicant/Petitioner to take appropriate steps against the unserved Respondents within a period of one week. Office report dated 30th August 2024 indicates that the Applicant/Petitioner has not complied with the said order. Be that as it may.

4. There is a Interim Application filed by the Applicant/Petitioner seeking service of notice on Respondent Nos. 1 & 3 under the provisions of Sections 64 & 65 of the

Criminal Procedure Code, 1973. Since office report indicates that Respondent Nos. 1 & 3 are not found at the addresses given in the array of parties by the Applicant/Petitioner, service under Section 64 of Cr.P.C. will not serve any purpose. Hence, the Applicant/Petitioner is directed to take steps to serve Respondent Nos. 1 & 3 in terms of the provisions of Section 65 of Cr.P.C. and effect service accordingly within a period of two weeks from today.

5. With the aforesaid directions, Interim Application is allowed and disposed of accordingly.

(Dr. Neela Gokhale, J.)

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by GITALAXMI
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KOTAWADEKAR
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