



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.1221 OF 2022

Deepa d/o Dinesh Dhallani .Vs. Dinesh S/o Prakashlal Dhallani and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. K.Y. Mandpe, Adv. h/f Shri Y.B. Mandpe, Adv. for applicant.

Mr. R.H. Rawlani, Advocate for respondent Nos.1, 2 and 4.

Shri A.P. Bhuihar, Adv. h/f Shri A.M. Tirukh, Advocate for respondent No.5.

CORAM : ANIL S. KILOR, J.

DATED : 25/02/2025

1. Heard.
2. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") on 23.08.2022 and since last about two and half years, it is pending for the reason that, till date, even after repeated opportunity granted to the applicant, the applicant failed to serve the non-applicant Nos.7 and 9, who are the contesting non-applicants. There is an office note stating that the addresses of the non-applicant Nos.7 and 9 are found to be incorrect.
3. Multiple chances were given to the applicant to provide the correct address and even opportunities were given to the applicant to provide the email addresses of the non-applicant Nos.7 and 9. However, the applicant neither supplied the correct address of the non-applicant Nos.7 and 9 nor provided the email addresses of the non-applicant Nos.7 and 9.

4. This Court on 12.04.2024 granted permission to serve the unserved non-applicants by paper publication. Today after a lapse of ten months period, when a query was put to the learned counsel for the applicant as regards publication, he fairly states that he has not filed on record any such paper publication or notice issued through paper publication to show that the service is made.

5. Thus, considering the casual approach of the applicant, I am of the opinion that, the applicant is not serious in pursuing the matter against the non-applicant Nos.7 and 9 who were sought to be added as accused under Section 319 of Cr.P.C. and such request was rejected by the learned trial Court, which is the subject matter of the present application. Accordingly, considering the conduct of the applicant, the application is rejected against the non-applicant Nos.7 and 9.

6. As far as the non-applicant No.8 is concerned, who is also sought to be added as an accused under Section 319 of the Cr.P.C., there is no evidence brought on record by the applicant to show his involvement in the alleged offence.

7. The learned trial Court has rightly recorded the finding in favour of the non-applicant No.8 that there is no overt act attributed against him or there are no allegations

made against the non-applicant No.8. In the circumstances, I do not find any perversity in the findings recorded by the learned trial Court as regards to the non-applicant No. 8.

8. In the circumstances, as the present application is rejected against the non-applicant Nos.7 and 9 on the ground that the applicant failed to serve them and on merit against the non-applicant No.8, nothing survives in the present application as the other non-applicants are the formal party and no prayer is sought against them in the present application. Accordingly, the application is **rejected**.

JUDGE