

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION FOR LEAVE TO APPEAL(PVT.) NO. 126 OF 2025

Vinod Kumar V Thakkar

...Applicant

Versus

Sachin Gundaji Malve And Anr.

...Respondent

Mr. Sushant Mhatre (appointed through legal aid) for the Applicant.

Ms. M.R. Tidke, APP for Respondent/State.

None for Respondent No.1.

CORAM : M.M. SATHAYE, J.

DATE : 12th JUNE, 2026

P.C. :

1. It is seen from the record that on earlier occasion the Respondent accused has appeared in person and on 13.11.2025, he had undertaken to this Court to repay the principal amount and interest to the Applicant upon sale of property.

2. It is reported that the undertaking has not been complied with and nobody is appearing for Respondent.

3. Learned Counsel for the Applicant (appointed through legal aid services) submits that on the complaint of present Applicant under Section 420 of Indian Penal Code, which complaint arises out of same transaction as involved in the present case, the Respondent accused has been convicted under order dated 22.11.2023 against which the appeal of the accused is pending in the Sessions Court. Copy of the judgment dated 22.11.2023 is placed on record. It is submitted that the sentence has been suspended and accused has been released on bail. He further submitted that after bail was secured, since Respondent accused did not

appear before the Session Court, Non-Bailable-Warrant has been issued twice.

4. In this backdrop, learned Counsel for the Applicant submits that when notice was issued to Respondent on the last known address, the packet has returned unserved.

5. The Applicant is directed to file affidavit of service placing on record the return of notice-packet.

6. In the circumstances, issue notice to Respondent No.1/original accused, returnable on 10.07.2026. Notice to be served through local Police Station i.e. Meera-Bhayandar Police Station.

7. In addition to the Court notice, the Applicant is also at liberty to send notice of next date, calling upon the Respondent accused to remain present in the Court, through WhatsApp.

(M.M. SATHAYE, J.)