

[Spl.-H.C.A.S., Cri.14e.]

B.D.CRI.NO : 11087/12

DATED : 24-7-12

**MOST URGENT**

**DUE ON : 06/08/2012**

**NOTICE**

IN THE HIGH COURT OF JUDICATURE  
APPELLATE SIDE AT BOMBAY

**CRIMINAL**

**CRIMINAL APPEAL NO. 579 OF 2011**

[BY COMPT. AGAINST ACQUITTAL]

[LEAVE GRANTED IN CRI. APPLN. NO 263 OF 2011]

To,

- 1) Ways India Ltd. (Company)
- 2) Mr. Sanjay Agarwal (Managing Director of R.No.1)
- 3) Mr. Nandkishore Trivedi (Director of R. No.1)
- 4) Mr. Kethan Sheth (Director of R.NO.1)
- 5) Mr. Subhodh Bhandari (Authorized Signatory of R.No.1)

Office Address : Ways India Ltd. International Infotech Park, Tower No.3,  
5<sup>th</sup> floor, Vashi Railway Station Complex, Navi Mumbai -400703.

WHEREAS the Appellant/Original Complainant- Ashtech Infotech Pvt. Ltd. has preferred the aforesaid Criminal Appeal through Adv. Abad H. H. Ponda, appealing against the order of acquitted dated 01/10/2007 passed by Metropolitan Magistrate ,7<sup>th</sup> Court Dadar, Mumbai in Case No. 3146/SS/2005, acquitting you for the offence U/s 138 r/w 141 Negotiable Instrument Act praying that the said order may be set aside and you may be convicted and sentenced according to law; etc.

..2...

AND FURTHER ORDER THAT when upon hearing Mr. A. H. H. Ponda adv. adv. For appellant and Mr. Y. M. Nakhawa APP for respondent no.6 State, the Court (Coram: R. C. Chavan, J.) has on 25/06/2012 passed the following order:-

"True copy of order dt.25/06/2012 is enclosed herewith.

TAKE NOTICE THAT HIGH COURT has determined to hear the said Criminal Appeal on 06/08/2012 . You are therefore directed to appear in person or by an Advocate, until the disposal of the said Criminal Appeal to show cause why the prayer of the Appellant should granted or such other order made, as to the High Court may deem fit. Should you fail to appear in person on or by an Advocate the Court will hear the said Criminal Appeal ex-parte.

Witness Shri. Mohit S. Shah Chief Justice at Bombay aforesaid this 25<sup>th</sup> of June Two Thousand and Twelve.

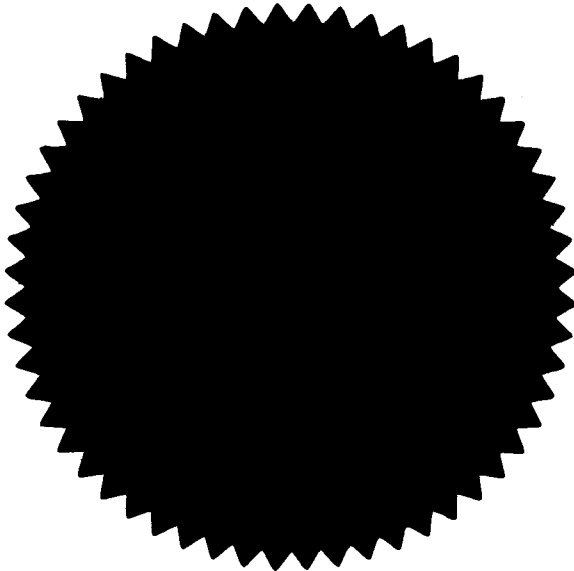
By the Court,



For Registrar and Sealer.

This 23rd day of June Two Thousand Eleven.

This 25<sup>th</sup> day of June Two Thousand Twelve



17826 @M  
24/07/12

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.512 OF 2010  
IN  
CRIMINAL APPEAL (ST) NO.308 OF 2010**

Ashtech Infotech Pvt. Ltd. .Applicant  
V/s.  
Ways India Ltd. & ors .Respondents

Mr.A.H.H.Ponda, Advocate, for the Applicant  
Mrs.P.H.Kantharia, APP, for Respondent No.6 -  
State

**CORAM : R.C.CHAVAN, J.  
DATE : 23RD JUNE, 2011**

**P.C.**

Heard the learned Counsel for the respective parties. This is an application for delay of 918 days in filing the present Appeal against dismissal of the complaint filed under Section 138 of the Negotiable Instruments Act ordered by the Metropolitan Magistrate, Dadar, for failure of the Complainant to take steps as also absence of the Complainant and his Advocate in Case No. 3146/SS of 2005. Since the accused were not at all served in the trial, there is no need

to cause any notice of this application to be served upon the respondents. In companion case bearing No. 511 of 2010 which arose out of the dismissal of the complaint on the same day by the same learned MM between the same Complainant and the same accused Nos.2 to 4, delay has been condoned by Order dated 29th November, 2010. For the reasons mentioned in the application, delay is condoned.

2. In view of the fact that the complaint was dismissed when the learned Counsel just gone to toilet when the matter was called out. Leave granted. Admit. There is no need to call for R & P considering the fact that dismissal of the complaint was for failure to take steps without recording any evidence. Issue notice to the respondents, returnable on 28th July, 2011. Publication of notice in the news paper is allowed.

(R.C.CHAVAN, J.)

TRUE COPY

*Amsh*

Deputy Registrar

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.579 OF 2011**

Ashtech Infotech Pvt. Ltd. .Appellant

V/s.

Ways India Ltd. & ors .Respondents

Mr.A.H.H.Ponda, Advocate, for the Appellant  
Mr.Y.M.Nakhawa, APP, for Respondent No.6 - State

**CORAM : R.C.CHAVAN, J.**

**DATE : 25TH JUNE, 2012**

**P.C.**

. Heard the learned counsel for the applicant.

2. Since the appellant has failed to have the respondents served because they are not to be found on the addresses available. Let the notices be served in 'Indian Express' and also be posted on the website of High Court, returnable after six weeks.

**(R.C.CHAVAN, J.)**

**TRUE COPY**