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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 239 OF 1999

Union of India

..Appellant

Vs.

Norozi Mohammed & Anr.

..Respondents.

Smt. Anuradha Mane for Appellant.

Mr. H.J. Dedhia, APP for the Respondent No.2-State.

Mr. M.B. Salgaonkar, Superintendent, Customs R&I.

**CORAM: P. V. HARDAS &
A.S. GADKARI, JJ.**

DATE: 7th July 2015.

P.C.

1 This is an appeal against the acquittal against the judgment of the Special Judge, Greater Mumbai dated 28th October 1998 in NDPS Special Caase No.109 of 1996.

2 This appeal has been pending in this Court since year 1999. It appears that the acquitted accused i.e. respondent no.1 could not be served as the respondent no.1 is residing in Australia. Various efforts have been undertaken by the appellant for extradition of the respondent no.1.

3 The learned Counsel for the appellant tendered before us a communication dated 3rd March 2015 addressed by the Assistant Commissioner of Customs (P), NCCP Section/ R&I, Mumbai. In the said communication, it is stated that the possibility of the extradition of the respondent no.1 appears to be dim unless the respondent no.1 chooses to travel voluntarily. The opinion of the Commissioner of Customs is also reflected in the said communication that the Commissioner of Customs (P) was of the opinion that the extradition of the accused is almost impossible.

4 This appeal has been pending since year 1999 and as per report submitted by the Assistant Commissioner of Customs (P), it appears that the respondent no.1 would not be available at the time of hearing of the appeal.

5 In that light of the matter, in our opinion, no purpose is going to be served by keeping this appeal pending any further. We, therefore, dismiss this appeal for want of prosecution.

6 Criminal Appeal is accordingly dismissed.

(A.S. GADKARI,J.)

(P. V. HARDAS,J.)

