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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 658 OF 1994

The State (N.C.B.)
(Through Public Prosecutor,
Union of India, Department of
N.C.B., Bombay)

.. Appellant

Vs.

1. Sayed Ali Raza
2. Raichand Chandmal Shah - Appeal dismissed as abated.
3. Jailal Keshavial Vora
4. The State of Maharashtra

.. Respondents
(Nos.1 to 3 – Org. Accd.)

None for the appellant.
Kum. Prabha S. Mane for respondent no.3.
Mrs. Sangeeta D. Shinde, APP for respondent no.4 – State.

CORAM: P. V. HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

APRIL 16, 2015.

ORAL JUDGMENT [Per P. V. Hardas, J.] :

1. This is an appeal filed by the appellant questioning the acquittal of the respondents-accused for offence punishable under Sections 29 r/w Section 8(c), 21 and 22, 8(c) and 21 r/w Section 29, 8(c) and 22 r/w

29 of the Narcotic Drugs and Psychotropic Substances Act 1985. The respondents herein i.e. respondent nos.1 and 3 were acquitted along with the deceased respondent no. 2 – Raichand for the aforesaid offences by the Additional Sessions Judge and Special Judge for Greater Bombay (NDPS Act), by judgment dated 11/1/1994 in Sessions Case No. 1417 of 1988.

2. Leave came to be granted by this court by its order dated 19/12/1994 and the appeal stood admitted. Subsequently, when the appeal was called out for hearing before this court on 15/1/2015, none had appeared on behalf of the appellant and, therefore, the matter was adjourned to 29/1/2015 as a last chance. Even thereafter none had appeared on behalf of the appellant when the appeal was called out for hearing on 29/1/2015. The hearing of the appeal, therefore, was adjourned to 5/2/2015. The appeal was subsequently called out for hearing before the court on 5/2/2015 and 26/2/2015. None had appeared on behalf of the appellant and, therefore, this court by its order dated 26/2/2015 had directed the issuance of notice to the appellant intimating the listing of the appeal for final hearing before this court from the week commencing from 13/4/2015. The endorsement of the Registry indicates that the notice, which was duly issued, has been received by the appellant.

3. Today when the appeal is called out for hearing none appears on behalf of the appellant. Kum. Prabha Mane, learned counsel appears for respondent no.3. The appeal has been dismissed as abated as against respondent no.2.

4. Since none appears on behalf of the appellant, this appeal is dismissed for want of prosecution, confirming the acquittal of the respondents-accused.

(DR. SHALINI PHANSALKAR-JOSHI,J.)

(P. V. HARDAS,J.)