

**FARAD CONTINUATION SHEET  
THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION  
CRIMINAL WRIT PETITION NO.1139 OF 2010**

**Omprakash Wasuram Behal**

**.....Petitioner.**

**V/s.**

**Mohan Rathod & Anr.**

**.....Respondents.**

**None for petitioner.**

**None for respondent no.1.**

**Mr. J.H.Ramugade, APP for the State.**

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 27<sup>th</sup> OCTOBER, 2015.**

**P.C.:**

The petitioner was the complainant in Criminal Case No.12273/SS/2006 filed against the respondent no.1 under Section 138 of the Negotiable Instruments Act, 1881 pending on the file of learned Metropolitan Magistrate, 30<sup>th</sup> Court, Kurla, Mumbai. By judgment dated 30.11.2007, the respondent no.1-accused was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to undergo S.I. till rising of the Court. There was no order either to pay fine or further compensation since the respondent no.1 had already paid compensation of Rs.30,000/- to the petitioner-complainant. The petitioner had challenged the said order in Criminal Revision Application No.61 of 2008. The said revision came to be dismissed by judgment dated 12.1.2010. Aggrieved by the said order, the

petitioner has preferred this petition.

2           The records reveal that the petitioner is not pursuing this petition. On the last date i.e. on 19.10.2015 final opportunity was given to the petitioner despite which the petitioner and his counsel have failed to remain present today. It is evident that the petitioner is not interested in prosecuting the matter. Hence, writ petition stands dismissed for want of prosecution.

(ANUJA PRABHUDESSAI, J.)

THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION  
CRIMINAL WRIT PETITION NO.1140 OF 2010

Omprakash Wasuram Behal .....Petitioner.  
V/s.  
Mohan Rathod & Anr. ....Respondents.

WITH  
CRIMINAL REVISION APPLICATION NO.236 OF 2010

Omprakash Wasuram Behal ...Applicant.  
V/s.  
Mr. Mohan Rathod & Anr. ...Respondents.

None for petitioner/applicant.  
None for respondent no.1.  
Mr. J.H.Ramugade, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 27<sup>th</sup> OCTOBER, 2015.

COMMON ORDER:

3           The applicant/petitioner was the complainant in Criminal Case No.12274/SS/2006 on the file of learned Metropolitan Magistrate, 30<sup>th</sup> Court at Kurla, Mumbai for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. By the judgment dated 30.11.2007, the learned Metropolitan Magistrate

held the respondent no.1-accused guilty of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo S.I. for 15 days and to pay compensation of Rs.50,000/- within a period of one month. Aggrieved by the said order of sentence, the respondent no.1 filed Appeal No.12 of 2008 before the Sessions Court, Greater Mumbai. The applicant/petitioner challenged the quantum of sentence in Revision Application No.62 of 2006. The learned Sessions Judge by judgment dated 12.10.2010 allowed the said appeal and thus acquitted the respondent/accused and further dismissed the revision application filed by the applicant/petitioner. In these two proceedings, the applicant/petitioner has challenged the order of acquittal and rejection of revision application for enhancement of sentence.

4           The records reveal that the applicant/petitioner has not been pursuing the application as well as petition. On the last date i.e. on 19.10.2015 final opportunity was given to the applicant/petitioner despite which the applicant/petitioner and his counsel have failed to remain present today. It is evident that the applicant/petitioner is not interested in prosecuting the matter. Hence, revision as well as petitioner stand dismissed for want of prosecution.

(ANUJA PRABHUDESSAI, J.)