

Sequeira

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

CRIMINAL APPEAL NO. 280 OF 1998

Mr.Vishnu Bhaskar Khandekar,
Adult, residing at Children's
Aid Society & Staff Quarters
3 – T – 4, Kataria Marg,
Mahim, Bombay – 400 016

.. Appellant

Vs

1. Mr.Ibrahim Mohamed Mamsa,
Adult, residing at 303,
Himgiri, 105-A-T-H,
Kataria Marg, Bombay – 400 016.

2. Mr.Shreekant S. Murthy,
Adult, residing at Staff
Quarters, New Observation
Home, Mankhurd,
Bombay – 406 088.

3. State of Maharashtra.

.. Respondents

None for the Appellant.

Mrs.M.R.Tidke - Additional Public Prosecutor, for Respondent No.3-
State.

***Coram : N.M.Jamdar, J.
Date : 19 June 2017.***

Oral Order :

The Appeal has been filed by the Complainant challenging the order dated 18 August 1997 passed by Metropolitan Magistrate, Mumbai acquitting the Respondent Nos.1 and 2.

2. Based on the complaint made by the Appellant, a Case No.468/Misc/94 was tried by the learned Chief Metropolitan Magistrate, for offences punishable under section 500 read with section 34 of the Indian Penal Code.

3. The case of the Appellant was that the Respondent Nos.1 and 2 were employee of Children's Aid Society and a Probation officer wrote certain letters to the Social Welfare Department in the year 1992, which included various defamatory imputations against the Appellant. The learned Magistrate found that the Respondents were public servants and sanction was not obtained. The complaint was dismissed for want of sanction.

4. After admission the Appeal has appeared on board on 16 March 2009. When none appeared it was adjourned for dismissal. Thereafter it was again adjourned from time to time. On 3 April 2009, none appeared for Appellant and again it was adjourned for dismissal. On 22 April 2016, none appeared for the Appellant. On 17 June 2016, 7 July 2016, 25 August 2016, none appeared for the Appellant. On 29 September 2016, request was made on behalf of

the Appellant for adjournment. Again on 24 November 2016, 20 February 2017, 8 March 2017 none appeared for the Appellant and the matter was adjourned. On 4 April 2017, request was made on behalf of the Appellant stating that the Advocate was trying to contact the client and by way of indulgence, Appeal was adjourned. Again on 5 June 2017, none appeared for the Appellant. None appears for the Appellant. The Board is notified in advance. Limitless adjournments cannot be granted to the Appellant.

5. The letters in question have been issued in the year 1992. The proceedings are pending since the year 1998 in this Court. On various dates, the Appellant has remained absent. On the last occasion, the Advocate had stated that he is trying to contact his advocate. It appears that the Appellant has lost interest. Twenty-five years have gone by since the letters were written. The Respondents have been acquitted. Looking at the nature of the case, the passage of time, continuous absence of the Appellant – original Complainant, no useful purpose will be served by keeping the Appeal pending on the file. The Appeal is dismissed.

(N.M.Jamdar, J.)