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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.145 OF 2003

Ms. Gloria Lois Crasto

..Appellant.

V/s.

Arvind Vaidhya & Anr.

..Respondents.

None for the Appellant.

Mr.S.V.Gavand, APP for the Respondent-State.

Coram : N.M.Jamdar, J.

Date : 30 June, 2017

P.C.:-

The appeal is filed by the original complainant challenging the acquittal of Respondent Nos.1 and 2 by the learned Metropolitan Magistrate, Andheri, Mumbai by the judgment and order dated 8 August 2002.

2. According to the Appellant-complainant on 22 September 1992, the accused brought a bull-dozer and a lorry and dug up the plot of land and thereby committed trespass and theft of property. A complaint was filed, and after investigation under

section 202 of the Code of Criminal Procedure, 1973, a report was filed. Charge was framed and after the trial the learned Magistrate acquitted the Respondents by the judgment and order dated 8 August 2002.

3. In the appeal the Appellant has stated that she is an advocate and a solicitor. She has engaged services of an advocate in the appeal. When the appeal came up on board on 2 June 2017, none appeared for the Appellant and it was adjourned. On 16 June 2017 also none appeared for the Appellant and the appeal was again adjourned. Thereafter, the appeal was notified on the provisional board and on taken on the regular hearing board on 28, 29 and 30 June 2016. The board is available on the *internet*. The Court provides various facilities to the Advocates and litigants to keep track of the proceedings. Yet none appeared when the appeal was called out and it was kept back till today. Even today, none appears.

4. The incident has taken place in the year 1992. The Respondents are acquitted in the year 2002. The appeal is not being diligently prosecuted by the complainant-Appellant in spite of its due notification on the board. In the circumstances, the appeal is dismissed for non prosecution.

(N.M.Jamdar, J.)