

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 97 OF 2016

Harshal Rajendra Kanpile	... Appellant
Vs.	
State of Maharashtra	... Respondent

.....

None for the Appellant.
Mrs. M. M. Deshmukh, APP for Respondent-State.

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**CORAM : S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATE : NOVEMBER 14, 2017.

P.C. :

1. This Appeal challenges the order of the Trial Court dated 16th February, 2015 rejecting the appellant's Application for bail.
2. The prosecution is under the Maharashtra Control of Organised Crime Act, 1999 (for short, "MCOCA"). The learned Special Judge has rejected this Application for bail and under Section 12 of the MCOCA, an Appeal is preferred.
3. The Appeal is pending in this Court after its institution on 6th January, 2016.
4. We have noticed from the Roznama that the appellant firstly moved the learned Single Judge and addressed that Court

on the footing that this is a fresh Application for bail. Otherwise, this is an Appeal against order refusing bail.

5. The Appeal was then placed on 12th February, 2016 before a Division Bench on which date, both the Appellant and the Advocate were absent.

6. Thereafter, the next date was assigned and from the Roznama, we can draw reasonable inference that it was placed on board but either could not be taken up for want of time, or when it was called out, the appellant's Advocate remained absent or sought adjournment. Such developments and events have been noted throughout the year 2016 and better part of 2017. In fact, in 2017, on more occasions than one, it is the appellant's Advocate who sought adjournment.

7. Today, when this Appeal is listed for admission, both the appellant-accused and the Advocate are absent. We are, therefore, constrained to dismiss this Appeal for want of prosecution. It is dismissed accordingly.

(SMT. BHARATI H. DANGRE, J.)

(S. C. DHARMADHIKARI, J.)