

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 376 OF 2003***

Mr. S.M. Vanarase.

... Appellant.

V/s.

Mr. L.P. Jagdale and Others.

... Respondents.

None for the Appellant.

Mr. P.H. Gaikwad-Patil, Asstt. Public Prosecutor for the State.

None for Respondent No.1

CORAM : N.M. JAMDAR, J.

DATE : JULY 18, 2017.

P.C. :-

None appears for the Appellant. On earlier occasions also none appears for the Appellant. The learned APP is present.

2. The Appellant has challenged the judgment and order passed by the Metropolitan Magistrate, Mumbai dated 17 October 2002 acquitting the Respondent - accused of the offences punishable under Section 419 and 406 of Indian Penal Code.

3. Perusal of the record shows that the complaint was filed

by the General Secretary, Seva Ashram Shikshan Sanstha against the President of the Shikshan Sanstha. According to the complainant, inspite of the Respondent – accused resigning as a President on 7 February 1994, continued to pretend as a President and refused to hand over the charge. After going through the record, the Metropolitan Magistrate found that the change reports were filed and it could not be said that the Respondent – accused ceased to be a President.

4. The incident has taken place in the year 1994. Thereafter, there must have been various changes in the body of the Shikshan Sanstha and further change reports. The order of acquittal is of the year 2002. The Appeal is pending since the year 2002. None is appearing for the Appellant. In these circumstances, the Appeal is dismissed for non-prosecution.

(N.M. JAMDAR, J.)