

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.713 OF 2001

Prabhakar Narsinha Deolankar

..Appellant.

V/s.

Anand V.Mulay & Ors.

..Respondents.

None for the Appellant.

Mr.P.H. Gaikwad-Patil, APP for the Respondent-State.

Coram : N.M.Jamdar, J.

Date : 30 June, 2017

P.C.:-

The Appellant has challenged the judgment and order dated 21 September, 1998 passed by the learned Judicial Magistrate First Class, Pune acquitting the Respondent-accused of the offence punishable under section 13(1) of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 and under section 420 read with section 34 of the Indian Penal Code.

2. The appeal came up on board for hearing on 21 August 2015 when none appeared for the Appellant. Again on 28 August

2015 none appeared for the Appellant. On 11 September 2015, 9 October 2015, 20 November 2015, 27 November 2015 and 8 January 2016 none appeared for the Appellant. One Advocate's appearance is shown on 8 May 2017. Thereafter, again on 16 June 2017 none appeared for the Appellant. On 28 June 2017, none appeared for the Appellant and the matter was adjourned till today. The final hearing board is notified in advance. This appeal filed by the complainant cannot be kept being adjourned.

3. The case is instituted on a private complaint and according to the complainant, the offence took place on 17 November 1980 when the Respondents did not fulfill their obligations under the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act which they were duty bound to do.

4. The incident alleged has taken place 37 years ago. The complaint is filed in the year 1989. The order of acquittal is of the year 1998. The present appeal is of the year 2001 and there is a continuous absence of the Appellant. In view of this position, no useful purpose will be served by keeping the appeal pending. The appeal is accordingly dismissed.

(N.M.Jamdar, J.)