

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO. 159 OF 2014

(Premamal w/o. Dalbahadur Mal..vs..State of Maharashtra & anr)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. G.M. Shitut, counsel for the appellant.
Mr. S.H. Quazi, counsel for respondent 2.

CORAM: ROHIT B. DEO, J.

DATE: 13th DECEMBER, 2017.

The appellant is consistently absent.

2 Shri. G.M. Shitut, the learned counsel for the appellant requested this Court that he should be discharged. However, Shri. Shitut is assisting the Court only at the request of the Court although despite the best of efforts he has not been able to contact the appellant.

3 It is more than apparent, that the appellant is not interested in prosecuting the appeal.

4 Shri. S.H. Quazi, the learned counsel for the respondent / accused states, that without prejudice to the contention that the accused has not committed an offence punishable under section 138 of the Negotiable Instruments Act, 1881, he is ready to deposit the amount covered by the disputed cheque in the Registry of this Court within three days from today.

5 The statement on behalf of the accused is

accepted. The amount covered by the cheque i.e. Rs. 25,000/- be deposited in the Registry of this Court. The appellant if at all interested, is permitted to withdraw the said amount.

6 In view of the deposit of the amount covered by the cheque and in the backdrop of the various orders passed by this Court which would reveal that the appellant is not interested in prosecuting the appeal, I do not deem it necessary to decide the appeal on merits. In view of the undertaking to deposit Rs. 25,000/- within three days, the appeal is disposed of.

JUDGE