

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.311 OF 2001

Mehmood Abubakar Marwadi ... **Appellant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Ms.Sana Shaikh i/b. Mr.Laxman P. Kanal, Advocate for the Appellant.

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

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CORAM : A.M.BADAR J.

DATED : 22nd JANUARY 2018.

P.C. :

1 This is an appeal filed by original accused No.10 Mehmood Abubakar Marwadi challenging his conviction and resultant sentence imposed on him by the learned Special Judge, Greater Bombay, Mumbai on 17/01/2001 in Special Case No.9 of 1987. The appellant/accused No.10 was convicted for offences punishable under Section 120B, 420 read with Section 120B, 466 read with Section 120B, 467 read with Section 120B, 468 read with Section 120B, 420 read with Section 120B of the Indian Penal Code apart from the offence punishable under Section 5(2) read with Section 5(1)(d) of the Prevention of Corruption Act, 1947 read with Section 120B of the Indian Penal Code. He was sentenced accordingly.

2 The learned Advocate for the appellant/accused drew my attention to the photo copy of the death certificate of appellant Mehamood Abubakar Marwadi annexed to the application under Section 394 of the Code of Criminal Procedure and submitted that as the appellant/accused has passed away on 28/08/2016, the appeal be abated. The photo copy of the death certificate of the appellant on record is marked as 'Exhibit Y'.

3 The learned Additional Public Prosecutor by relying on the report dated 19/01/2018 submitted by the Assistant Commissioner of Police, Anti Corruption Bureau, Mumbai to which copy of death certificate of appellant Mehamood Abubakar Marwadi is annexed, has stated that the appellant/accused No.10 Mehamood Abubakar Marwadi has passed away on 28/08/2016.

4 The report of the Assistant Commissioner of Police, Anti Corruption Bureau, Mumbai is taken on record and marked as 'Exhibit X'.

5 In this view of the matter, the appeal stands abated and the same be consigned to the Record.

(A.M.BADAR J.)