

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.589 OF 2001

GURBUX ANANDRAM BHIRYANI)...APPELLANT

V/s.

THE INTELLIGENCE OFFICER, NCB & ANR.)...RESPONDENTS

Mr.Shyam Keswani a/w. Mr.Yogesh Israni, Advocate for the Appellant.

Ms.Ameeta Kuttikrishnan, Advocate for the Respondent/NCB.

Mr.Prashant Jadhav, APP for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 20th JANUARY 2018

P.C. :

1 By this appeal, the appellant/accused no.2 has challenged his conviction and resultant sentence for offences punishable under Narcotic Drugs and Psychotropic Substances Act, 1985, as well as under the Customs Act, 1962. He is convicted for offences punishable under Sections 29 read with 8(c) read with 12 and 24 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and is sentenced to suffer rigorous imprisonment for 10 years apart from directing him to pay fine of Rs.1 Lakh, and in

default, to undergo further rigorous imprisonment for 6 months. The appellant/accused is also convicted of offences punishable under Sections 23 read with 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, and he is sentenced to suffer rigorous imprisonment for 10 years on that count, apart from directing him to pay fine of Rs.1 lakh, and in default to undergo further rigorous imprisonment for 6 months. The appellant/accused is also convicted for offences punishable under Sections 135(1)(ii) read with 135(1)(a) of the Customs Act, 1962, and he is sentenced to suffer rigorous imprisonment for 1 year on that count.

2 The learned Advocate for the appellant/accused as well as the learned Advocate appearing for the respondents are unanimous in stating that the appellant/accused has passed away.

3 On 13th January 2018 also, as revealed from the order of this court of the said date, the learned counsel appearing for the appellant/accused has stated that the appellant has expired.

4 In this view of the matter, as undisputedly the appellant/accused has expired, the appeal abates and is consigned to record.

(A. M. BADAR, J.)