

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 832 OF 2000

M/s. Universal Prime Aluminium Ltd.
Formerly known and incorporated as
M/s. Universal Cans and Container Ltd.Appellant
(Orig.Complainant)

V/s.

1. The State of Maharashtra
2. Balashastry R. DubeRespondents
(Orig. Accused no.2)

* * * * *

None for the appellant.

Mr. Ajay Patil, APP for the State.

CORAM :- SANDEEP K. SHINDE, J.

DATE :- 6TH FEBRUARY, 2018.

P.C. :-

1. This Appeal is preferred by the complainant against the order of acquittal passed by the Learned Judicial Magistrate in Criminal Case No. 816 of 1996 whereby the respondent, accused was acquitted of the offence

punishable under Section 630 of the Companies Act, 1956.

2. It appears that, the appeal was heard by Hon'ble A.B. Palkar, J and by order dated 16th April, 2002 the Appeal was allowed whereby the order of the Learned Judicial Magistrate First Class acquitting the accused of the offence punishable under Section 630 of the Companies Act was set aside and the Company was allowed to execute the order.

3. It further appears that, at the instance of the accused, respondent, the order dated 16th April, 2002 was recalled and the Appeal was directed to be placed for hearing on merit.

4. On 18th August, 2017 none appeared for the appellant. It also appears from the rojnama that the appellant had not appeared even on the earlier occasion and therefore fresh notice was issued to the appellant returnable on 15th September, 2017.

5. Report dated 19th September, 2017 shows the

appellant was duly served at his office.

6. None appears when called out. Neither the appellant nor the respondent, accused are present. It appears the Criminal Appeal is pending since the year 2000. It appears from the rojnama that, the appellant is not interested to pursue the appeal. The Appeal is therefore dismissed for non-prosecution.

(SANDEEP K. SHINDE, J)