

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPEAL NO.330 OF 2009**

The Union of India .. Appellant  
Versus  
Rajkumar Sheetalprasad @  
Raju Sindhi @ Raju and ors .. Respondents

...

None for the appellant.

Ms.Beerta H. Bajwai i/b Lalla & Lalla for respondent nos.1 and 2.

Mr.K.V. Saste, APP for the State.

**CORAM: SMT. BHARATI H.DANGRE, J**

**DATED : 4<sup>th</sup> SEPTEMBER, 2018**

**P.C:-**

1           The present Appeal is instituted by Union of India under Section 378(1) of the Code of Criminal Procedure against the order dated 16<sup>th</sup> December 2006 passed by the learned Special Judge in NDPS Special Case No.96 of 2002. The Appeal is filed somewhere in the year 2012 and to be precise on 2<sup>nd</sup> November 2012. The Union of India was represented by Mrs.Poornima Kantharia and the matter was heard by the Court on the said date. Thereafter, the matter was listed before this Court on several occasions i.e. 7<sup>th</sup> December 2012 and subsequently on 14<sup>th</sup> March 2013. The matter, however, was

unattended since none appeared on behalf of the Union of India. On 26<sup>th</sup> November 2013, the counsel appearing for Union of India Ms.Rebecca Gonsalves made a statement before the Court that she would file a report demonstrating that there was sufficient compliance of the earlier orders.

2           The Appeal was thereafter placed for final hearing by order dated 4<sup>th</sup> February 2014. When the matter was listed on 21<sup>st</sup> April 2016, the Union of India was again unrepresented. Today, the matter was called out in the first half session. However, none appeared for the appellant and thereafter the matter was posted post lunch and is again called out. None appears for the Union of India. It appears that either no instructions are given to the counsel appearing for the Union of India or that the Union of India is not interested in prosecuting the said matter.

3           Resultantly, the present appeal is dismissed in default.

**(SMT. BHARATI H. DANGRE, J.)**

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Prasanna  
Tilak

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