

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3917 OF 2014

Arun Jagannath Bansode ... **Petitioner**

V/s.

The State of Maharashtra & ors. ... **Respondents**

Mr.Sachin Deokar for the petitioner.

Mr.A.R. Kapadnis, APP for the respondent/State.

Mr.Sandesh D. Patil for respondent no.3.

CORAM : A.M.BADAR J.

DATED : 9th AUGUST 2018.

P.C. :

1. Initially this Writ Petition was allowed by this Court vide Judgment and Order dated 20th February, 2015 and the proceedings against the writ petitioner pending on the file of the learned Additional Chief Metropolitan Magistrate, 3rd Court, Explanade Mumbai vide Criminal Case No.667/PW/2010 were quashed. The respondent/prosecuting agency i.e. CBI carried that order in appeal by filing Criminal Appeal bearing No.756 of 2016 before the Hon'ble Supreme Court. That Appeal came to be allowed. The order allowing

the instant Writ Petition is quashed and set aside. The Hon'ble Supreme Court has directed this Court to reconsider the matter and to decide the same afresh within four weeks from the date of receipt of the copy of the order passed on 10th August, 2016 allowing the appeal filed by the CBI. That is how the writ petition is placed before this Court.

2. The Writ Petitioner challenges the revision order passed by the learned Additional Sessions Judge, Greater Mumbai in Criminal Revision No.1005 of 2013 filed by the petitioner herein. By that revision petition, order dated 5th July, 2013 passed by the learned Metropolitan Magistrate, 3rd Court, Mumbai in Criminal Case No.667/PW/2010, rejecting the application for discharge filed by the revision petitioner came to be challenged. The revision petition came to be dismissed by the impugned Judgment and order.

3. Today, the learned Counsel appearing for the petitioner tendered death certificate issued by the Sub Registrar (Birth and Death), Municipal Corporation of Greater Mumbai, "S" Ward showing that revision Petitioner Arun Jagannath Bansode died on 26th February, 2018. Death certificate is taken on record and marked as "X" for the purpose of identification.

4. The learned Counsel appearing for the deceased petitioner submits that the writ petition be disposed of as abated.

5. In this view of the matter, as legal heirs of deceased petitioner are not brought on record the Writ Petition stands abated and is consigned to record.

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Arvind
Khadpe

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(A.M.BADAR J.)