

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO.75 OF 2007

(Shri nagari Sahakari Patsanstha Marya, Warud, Tq. Warud, Dist. Amravati Vs. Shri
Pradip Shankarrao Kherde and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

None for Appellant.
Shri M.A. Sable, Advocate for Respondent No.1.
Shri N.H. Joshi, APP for Respondent No.2-State.

CORAM: ROHIT B. DEO, J.

DATE: 5th MAY, 2018.

The learned counsel for the appellant is
consistently absent.

This court passed the following order on
03.11.2017:

*None for appellant.
Put up for dismissal after two weeks.*

The learned counsel for the appellant did collect
the paper-book, however, there was no appearance on
behalf of the appellant on 20.03.2018 which constrained
this court to pass the following order:

*None appears on behalf of the appellant.
Subject to payment of costs of Rs. 1,000/- to be
deposited with the High Court legal Aid
Sub-Committee, Nagpur, let the appeal be listed in
the next week.*

Again the learned counsel for the appellant did not appear on 04.04.2018 and the following order was passed:

None appeared on behalf of the appellant on 20-3-2018.

2. None appears for the appellant, even on second call.

3. The order dated 20-3-2018 is not complied with.

4. Subject to payment of costs of Rs.3,000/- to be deposited by the appellant with the High Court Legal Services Sub-Committee, Nagpur, list the appeal on 11-4-2018.

Lastly, since there was no appearance on behalf of the appellant on 11.04.2018 the following order was passed:

None appeared for the appellant on 04.04.2018. This Court imposed costs of Rs.3000/-, the order is not complied with.

None appears for the appellant today.

The appellant is directed to pay costs of Rs.5000/- to be deposited with the High Court Bar Association, Nagpur.

Subject to payment of costs, list the appeal on 16.04.2018.

Again, there was no appearance on 16.04.2018 which impelled the court to order thus:

None present for the appellant, even on second call.

The learned counsel for the appellant is consistently absent.

This court directed payment of costs, which order is not complied with.

Subject to the appellant depositing costs of Rs.5000/- with the High Court Bar Association, Nagpur, list the appeal for orders on 19.04.2018.

Today when the matter is called out, there is no appearance on behalf of the appellant. The orders passed by this court have been treated with utter disdain. The costs have not been deposited.

This court is satisfied that the appellant is abusing the process of law. The appeal challenges the judgment and order of acquittal. This court cannot be a silence spectator and permit the appellant to abuse the process of law. This is a fit case for this court to invoke inherent powers and to dismiss the appeal.

The appeal is dismissed.

JUDGE