

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAGPUR BENCH : NAGPUR

Criminal Appeal No. 367 of 2007

Arvind v. Gautam

None appears for appellant

Shri Yogesh Shukla, Advocate for respondent

Coram : S. B. Shukre, J

Dated : 13th February 2018

P.C.

Nobody appears for appellant. Learned counsel for the respondent is present. However, he is unable to make any statement regarding compliance with the Award passed in National Lok Adalat as he is unable to establish any contact with the respondent.

The Award dated 8th April 2017 states that this appeal be listed, as it was then, in the 2nd week of November 2017 for recording compliance with the terms of compromise. In spite of the order so passed in the Award, both the parties have remained absent before the Court and make any statement regarding compliance or non-compliance with the terms of the compromise. Added to it, learned counsel for the respective parties are also not in a position to assist this Court owing to which this appeal remains pending for the non-cooperative attitude displayed by both the sides. Left with no alternative, this Court on 6th February 2018 passed a specific order to the effect that if the parties did not remain present before the Court on the next date, it would be inferred by the Court that the terms of settlement dated 8.4.2017 have been complied with. Both the parties, as stated earlier, are absent

today. Such continued absence of the parties is sufficient for this Court to infer that terms of compromise dated 8th February 2017 have been complied with. Therefore, permission to the parties to compound the offence is hereby granted and the appeal is disposed of in terms of settlement terms dated 8th April 2017 and accordingly, acquittal of the respondent recorded by the trial Court is hereby confirmed. Disposed of.

JUDGE

joshi