

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL APPEAL No.1006 of 2005

JUDGMENT:

This criminal appeal is preferred by the complainant under Section 378(4) of Cr.P.C., challenging the judgment dated 03.3.2005 in C.C. No.439 of 2004 on the file of the Court of the Special Judicial Magistrate of First Class (Excise), Vizianagaram, wherein and whereby the first respondent-sole accused was found not guilty for the offence under Section 138 read with 142 of the Negotiable Instruments Act and consequently he was acquitted.

2. During the pendency of the appeal, a notice was sent to the first respondent through Court. Notice sent to the first respondent was returned by the Station House Officer, IV Town Police Station, Visakhapatnam with an endorsement, *"first respondent died of heart attack in the year 2007."* In view of the said endorsement, the appeal is liable to be dismissed as abated.

3. Accordingly, the criminal appeal is dismissed as abated. Miscellaneous petitions, if any pending in this appeal, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 24.1.2018
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