

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.460 OF 2002**

Employees State Insurance CorporationAppellant

Vs.

Rafael Sequeira Occupier and Ors.Respondents

None for appellant.

Ms. Pallavi Dabholkar, APP for respondent no.3.

**CORAM : K.R.SHRIRAM, J.
DATE : 6th NOVEMBER 2019**

P.C.:

1 On 8th February 2018, the following order came to be passed :

1. The learned Advocate for the appellant submits that respondent No.1 Rafael Sequeira died and, therefore, she wants to delete the respondent No.1 from the array of the respondents. Leave, as prayed, is granted.

2. Mr.Gatagat, the learned Advocate appears for the respondent No.2 and seeks time of two weeks for filing vakalatnama of the respondent No.2. Time, as prayed, is granted.

3. The learned Additional Public Prosecutor appears for the respondent No.3.

2 When the matter was listed on 4th November 2019 none appeared for appellant. The matter was, therefore, stood over to 5th November 2019. On 5th November 2019, due to paucity of time, it was stood over to today and is listed at serial no.401. The advocate for appellant is again absent.

3 Ms. Dabholkar appearing for State of Maharashtra states that respondent no.2 – M/s. Reliable Apparels was the sole proprietary concern of Rafael Sequeira - respondent no.1. When the sole proprietor has died and

the appeal against him stands abated, the question of appeal proceeding against the concerned M/s. Reliable Apparels does not arise. As clarification even for a moment this Court allows the appeal against respondent no.2, there will be nobody who can be imprisoned or penalised.

4 In the circumstances, appeal stands dismissed.

(K.R. SHRIRAM, J.)