

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.714 OF 2000

Central Bureau of Investigation ... Appellant

v/s.

Shri Gulam Mohammed Peshimam & ors. ... Respondents

Mr. H.S.Venegaonkar for CBI.

Mr. S.I. Menon for respondents 1 to 3.

CORAM : DAMA SESHADRI NAIDU, J.

24th September 2019.

P.C.

This is an appeal filed by the Central Bureau of Investigation (CBI). The respondents 1 to 3 are the accused in Case No.11/P/1991, for the alleged offences under Sections 120B r/w Sections 420, 471 of IPC and Section 24 of Emigration Act, 1983. The offence was said to have been committed on 1st September 1989—thirty years ago.

2. Though the case had been on record before the trial Court for over a decade, the prosecution has failed to produce even a single witness for examination. In the end, the trial Court, through judgment, dated 28th January 1999, acquitted all the accused—for want of evidence. Assailing that order of acquittal, the CBI has filed this statutory appeal.

3. This appeal has been pending before this Court close to two decades. In all these years, the appellant could not serve the notice on the third respondent. On many occasions, this Court wanted the appellant to file an affidavit. One such occasion was 11th April 2016, when this Court required the appellant to file an affidavit setting out the details of the respondents and also other connected details. To this day, the appellant has not filed any affidavit. This Court, on 6th February 2018, has recorded:

It appears that the appellant is not interested in prosecuting the appeal by effecting service on respondent no.3. In this view of the matter, the appellant is directed to take effective steps to serve respondent no.3 within a period of six weeks from today, failing which, the appeal, as against respondent no.3 shall stand dismissed without reference to the court.

4. To this day the position has not improved.

5. As seen from the record, the offence is said to have taken place in 1989. For more than a decade, appellant could not place any material before the trial Court, nor could it produce any witnesses. The trial Court was constrained to acquit the accused. From the date of the alleged offence, it has been over 30 years. No wonder, the respondents are, now, in their 70s.

In the interest of justice, I reckon the appeal craves for a quietus. There nothing on record for this Court to entertain this criminal appeal. I accordingly dismiss this appeal.

(DAMA SESHADRI NAIDU, J)

L.S. Panjwani, P.S.