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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 39 OF 2019**

Narain Nanik Hingorani

.....Applicant

V/s.

Harish Kishchand Chandnani and another

.....Respondents

Mr. Karan L. Jain for the applicant

Ms. Nishigandha Kadam for respondent no. 1

Mr. A. R. Kapadnis APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : DECEMBER 11, 2019.

P.C.

Respondent-accused Harish Chandnani came to be convicted by Additional Chief Metropolitan Magistrate in C.C. No. 62/PW/2005 for offence punishable under Section 420 of the Indian Penal Code.

2 Accused preferred an appeal being Appeal No. 406 of 2017 came to be allowed vide impugned Judgment and Order dated 27/09/2018.

3 As a consequence of above, complainant has preferred present

appeal against acquittal of the accused. Son of respondent-accused namely Anand has sworn an affidavit dated 11/12/2019 thereby producing on record death certificate of accused and claimed to have been died on 10/10/2019 issued by Municipal Corporation of Greater Mumbai H West Ward. Affidavit alongwith said copy of death certificate is taken on record and marked as 'X' for identification.

4 Learned counsel for applicant-original complainant does not dispute the death of respondent-accused. He submits that LR's of respondent-accused are already on record in Civil proceedings.

5 In the aforesaid background, since the issue of death of respondent-accused is not disputed, statement made by both counsel that respondent-accused has expired is accepted. As such, Appeal dismissed as abated.

6 As a consequence, all pending applications also stand disposed of.

[NITIN W. SAMBRE, J.]