

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.71 OF 2010

**UNION OF INDIA THROUGH ASSISTANT)
COMMISSIONER OF CUSTOMS (P))...APPELLANT**

V/s.

MELISSA AMANDA GODDEN AND ANR.)...RESPONDENTS

Mrs.A.A.Mane, Advocate for the Appellant.

Mr.V.B.KondeDeshmukh, APP for the Respondent - State.

**CORAM : INDRAJIT MAHANTY &
A. M. BADAR, JJ.**

DATE : 22nd APRIL 2019

P.C. :

1 This is an appeal challenging acquittal of the respondent no.1 recorded by the learned Special Judge, Mumbai, in NDPS Special Case No.06 of 2006. On 20th January 2010, this court issued warrant under Section 390 of the Code of Criminal Procedure against respondent no.1 and even after passage of

about eight years, the respondent no.1 could not be secured by the appellant. Bailable warrants were issued from time to time by this court on request of the appellant. Those were handed over to the Deputy Commissioner of Customs i.e. the appellant Customs Department. Bailable warrants are still not served and it is reported that efforts were made to find out as to whether the respondent no.1 had left India or otherwise from the Deputy Commissioner of Police, Special Branch-II, CID, Mumbai and other agencies.

2 It appears that the appellant is not interested in prosecuting the appeal which is filed in the year 2010.

Hence, the appeal is dismissed for want of prosecution.

(A. M. BADAR, J.)

(INDRAJIT MAHANTY, J.)