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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.337 OF 2018
WITH
CRIMINAL APPLICATION NO.338 OF 2018
IN
CRIMINAL APPEAL NO.807 OF 2005

Murlidhar s/o Laxman Rokade Deceased

Through Vijaya Madhukar Rokade] ..Applicant.

v.

Shamrao L. Patil & Ors.] ..Respondents.

Mr.Siddharth P. Munghate, for the Applicant.

Mr.H.J. Dedhia, App for the State.

**CORAM : INDRAJIT MAHANTY &
SARANG V. KOTWAL, JJ.**

DATE : 21st FEBRUARY, 2019.

P.C.

1] Accused No.4-Murlidhar s/o Laxman Rokade was acquitted by the learned Special Judge for Greater Mumbai vide order dated 17th February, 2003 in Sessions Case No.57 of 1987. The Accused No.4 was acquitted of the offences punishable under Sections 120(B) read with 466, 467, 468, 471, 477(A), 420 of the Indian Penal Code and under Sections 5(1)(d) read with 5(2) of the Prevention of Corruption Act, 1947. He was also acquitted of the offences punishable under Sections 466, 467, 468 read with 34, under Sections 471, 420, 467 read with 109 of the Indian Penal Code, under

Section 5(2) read with 5(1)(d) of the Prevention of Corruption Act, 1947 read with 34 of the Indian Penal Code.

2] The Petitioner-State has preferred an appeal against acquittal against the said Respondent No.4 alongwith other accused. The present appeal is admitted and is pending for final disposal before this Court. In the meantime, learned APP has submitted report dated 28th January, 2019, wherein, it is mentioned that accused No.4 has expired on 5th February, 2017. The report also explains that his real name is not 'Murlidhar', but it is 'Madhukar'. The said Madhukar has expired at Ulhasnagar. A copy of the death certificate is taken on record and marked as X-for identification. Report submitted by the learned APP in respect of the death is taken on record and marked as 'Y' for identification.

3] In this view of the matter, taking into consideration the provisions under Section 394 of the Code of Criminal Procedure, Appeal against acquittal in respect of the said accused No.4 Madhukar (mentioned as Murlidhar in the record of the Appeal) stands abated. In view of this order, Criminal Application Nos.337 of 2018 and 338 of 2018 stand disposed off.

(SARANG V. KOTWAL, J)

(INDRAJIT MAHANTY, J)