

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO.405 OF 2007

(Ashok s/o Pandurang Dakhore Vs. Banti @ Hanuman Prasad s/o Shankarlal Sharma
and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri D.M. Kale, Advocate for Appellant.
Shri Mehroz Pathan, APP for Respondent No.2/State.

CORAM: V.M. DESHPANDE, J.
DATE: 23rd JANUARY, 2019.

This is an appeal against acquittal, acquitting the respondent No.1 for the offence punishable under section 138 of the Negotiable Instruments Act in S.C.C. No.8017/2005 passed by learned J.M.F.C. (Special Court) 138 of N.I. Act, Nagpur.

The appeal was admitted on 13.09.2007.

Paper book is also ready.

Shri D.M. Kale, the learned counsel appearing for respondent No.1 and Shri Mehroz Pathan, the learned Additional Public Prosecutor appears for respondent No.2/State.

On 04.12.2018 it was observed that appeal can be disposed of as abated in view of the death of appellant Ashok s/o Pandurang Dakhore. However, on the said date the death certificate was not available on record.

Today, Shri Mehroz Pathan, the learned A.P.P.

obtained death certificate from Police Station Ranapratap Nagar, Nagpur which is taken on record and marked as Exhibit X-II. The photo copy of the death certificate shows that appellant Ashok Pandurang Dakhore expired on 27.12.2016. Till today, no steps are taken by the legal representatives of appellant to get their names substituted in place of original appellant. In that view of the matter, the appeal is disposed of as abated.

Since the appeal is disposed of. The bail bonds of the respondent No.1 stand cancelled.

JUDGE