

**HONOURABLE SRI JUSTICE K. LAKSHMAN**

**CRIMINAL APPEAL No.1322 OF 2007**

**ORDER:**

The unsuccessful complainant preferred this Criminal Appeal under Section 378(4) of the Code of Criminal Procedure, 1973, assailing the judgment dated 13.06.2007 passed by the learned XI Additional Chief Metropolitan Magistrate, Secunderabad, in C.C. No.127 of 2002, whereby respondent No.1 herein - accused was found not guilty of the offence punishable under Section 138 of Negotiable Instruments Act, 1881, and acquitted thereof.

2. Now, Sri C. Sharan Reddy, learned counsel for respondent No.1 - accused, reports that the appellant - complainant died on 28.01.2015 and he has also produced a copy of the death certificate of the appellant in proof of his death.

3. On perusal of the docket proceedings, it appears that as there was no representation for the appellant on 15.02.2018, this Court directed the matter to be listed on 28.02.2018 under the caption 'for dismissal.' Thereafter, the matter was listed on 15.07.2019, which is more than after an year, and on that day also as there was no representation for the appellant, the matter was directed to be listed finally on 29.07.2019. Thereafter the matter came up for hearing today only and today also there is no representation for the appellant.

4. Therefore, recording the submission of the learned counsel for respondent No.1 - accused and taking the death certificate of the appellant into consideration, considering that the appellant died, the Criminal Appeal is dismissed as abated. The death certificate of the appellant shall form part of the record. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Criminal Appeal stand closed.

**August 30, 2019.**

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**K. LAKSHMAN, J**

