

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.747 OF 2004**

The State of Maharashtra	)	..Appellant
V/s.		
1 Ramesh Namdeo Magar	)	
Age about 27 yrs.	)	
2 Smt Laxmibai Namdeo Magar	)	
Age about 50 yrs.	)	
3 Namdeo Mahadev Magar	)	
Age about 55 yrs.	)	
4 Balkrishna Pandurang Sawant	)	
Age about 52 yrs	)	
No.1 to 3 R/a Dhoroshi	)	
Tal. Patan, Dist Satara	)	
No.4 R/a Ambewadi,	)	
Tal. Patan, Dist Satara	)	..Respondents
		(Or. Accused Nos.1 to 4)

Ms Anamika Malhotra APP for State
Mr. H. S. Venegaonkar for Respondent Nos.1 to 3

**CORAM : K.R.SHRIRAM, J.
DATED : 18th SEPTEMBER 2020**

ORAL JUDGMENT :

1 From the records, it appears that original complainant died on 21-11-2006, respondent no.1 Ramesh Namdeo Magar died on 26-9-2019, respondent no.2 died on 8-8-2013 and respondent no.3 died on 29-8-2004.

That left only respondent no.4. In the order of 6-3-2020, it is recorded that Learned APP will try to obtain instructions regarding respondent no.4, who on that date was approximately 77 years of age.

2 Mr. Venegaonkar states that he has received oral instructions from the second wife of respondent no.1 that respondent no.4 has also died but Mr. Venegaonkar is candid to say that he has not seen any documents. If we accept what Mr. Venegaonkar says, the entire appeal stands abated against all respondents.

3 At the same time, learned APP in all fairness states that there are no specific allegations against respondent no.4 in the charge and, therefore, the trial court cannot be faulted of acquitting respondent no.4.

4 In view of the above, the appeal accordingly stands disposed.

(K.R. SHRIRAM, J.)