

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.235 OF 2001

Bfil Finance Ltd.,)....Appellant

V/s.

Star Precision Electronics (India) Ltd. & ors.)....Respondents

None for appellant.

Ms.Anamika Malhotra APP for respondent no.3.

CORAM : K.R.SHRIRAM,J

DATE : 31.1.2020

P.C.:-

1. This is an appeal impugning an order and judgment dated 3.1.2000 passed by the Additional Chief Metropolitan Magistrate 38th Court, Ballard Pier, Mumbai, acquitting respondent nos.1 & 2 of offence punishable under section 138 of Negotiable Instruments Act, 1881.

2. Complainant-appellant is not State. At the inception of the proceedings, complainant-appellant approached this court with an application to grant special leave to prefer this appeal and only upon granting that, this appeal came on the records of this court. That order of granting leave was passed on 20.3.2001. In fact, the appeal came to be dismissed for not complying with office objections and was restored on 28.1.2003.

3. Appellant has not been appearing for some time and the order-sheets indicate that appellant has been absent on 29.5.2017, 23.6.2017, 21.7.2017, 18.8.2017, 9.3.2018, 20.4.2018, 22.12.2018 and 4.6.2019. In fact, in the order of 4.6.2019 it has been recorded that it appears that appellant is not interested in prosecuting this appeal against acquittal and the matter was stood over to 3.9.2019 by way of last chance. Even today nobody is present.

4. There is also a report in the file that appellant has been notified earlier about the pendency of this appeal. Despite this appellant remains absent.

5. Offence charged under section 138 of Negotiable Instruments Act, is not related to the society at large but only against particular person i.e., complainant to whom certain sum is due under the cheque. Since the complainant/appellant itself is not showing any interest in this proceeding and remaining absent, this court has no option but to revoke the leave granted. Leave granted stands revoked.

6. Appeal dismissed.

(K.R.SHRIRAM,J)