

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.816 OF 2004

Smt.Nafisa Z.Chopdawalla

)....Appellant

(Org.Complainant)

V/s.

1) Nakoda Constructions

)

2) State of Maharashtra

)....Respondents

WITH

CRIMINAL APPEAL NO.898 OF 2004

(NOT ON BOARD)

Kutbuddin Fazle Husain Patanwala

)....Appellant

(Org.Complainant)

V/s.

1) Nakoda Constructions

)

2) State of Maharashtra

)....Respondents

Ms.Ashwini B.Jadhav a/w Ms.Sucheta D.Ghaisas i/by Anita Agarwal
for appellant.

Mr.Vaibhav Charalwar -Amicus curiae present.

CORAM : K.R.SHRIRAM,J

DATE : 27.2.2020

P.C.:-

1. This is an appeal impugning an order and judgment dated 17.5.2003 passed by the Judicial Magistrate First Class, Cantonment Court, Pune acquitting respondent no.1 (accused) of offence

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punishable under Section 138 of the Negotiable Instruments Act.

2. As nobody was representing accused, the Court appointed Mr.Vaibhav Charalwar as amicus curiae on 24.2.2020. Even today nobody is present for respondents. Ms.Ghaisas appears for appellant and sought adjournment which was not granted.

3. After hearing the Amicus curiae when the Court was dictating the judgment, Advocate Ms.Ashwini Jadhav appeared and informed the Court that the dispute in this appeal has been settled between the parties and she would like to withdraw the appeal or the Court may dispose the appeal.

4. In view thereof, the leave granted is revoked. Appeal dismissed.

5. Ms.Jadhav also states that the subject matter in the appeal which is not listed today being Criminal Appeal No.898 of 2004 between the same parties has also been settled and therefore, prays that the same order be passed in the said appeal.

6. Leave granted in Criminal Appeal No.898 of 2004 stands

revoked. Criminal Appeal No.898 of 2004 is dismissed.

(K.R.SHRIRAM,J)