

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1476 OF 2004

Vivekanand Rock Memorial & Vivekanand)
Kendra)....Appellant

V/s.

1) State of Maharashtra)
2) Chandrashekar Sadashiv Karkhanis)....Respondents

None for appellant.
None for respondent no.2.
Ms.Pallavi Dabholkar APP for respondent no.1.

CORAM: K.R.SHRIRAM,J
DATE : 5.3.2020

P.C :-

1. This is an appeal impugning an order and judgment dated 8.9.2004 passed by the 3rd Additional Sessions Judge, Pune, reversing an order of conviction under Section 138 of the 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.

3. Even yesterday when the matter was called out, none appeared for appellant. The matter was therefore, stood over to today. Even today nobody is appearing for appellant.

4. Offence charged under Section 138 of the 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 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. Appeal dismissed.

(K.R.SHRIRAM,J)