

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 241 OF 1999

The State of Maharashtra	..Appellant
V/s.	
Daulat Atmaram Joshi & Anr.	..Respondents

Ms. M. M. Deshmukh, for the Appellant / State.
Mr. Ganesh Bhujbal, for the Respondents.

CORAM : NITIN JAMDAR AND
C. V. BHADANG, JJ.

DATE : 30 August 2021

P.C.

. This Appeal against acquittal filed by the State of Maharashtra is placed under the caption “For Orders”. As regards, Respondent No.1, the Division Bench has on 4 March 2021 had passed the following order.

1. Learned APP in response to order dated 11/1/2021 submitted report for our perusal issued through Senior Police Inspector Mumbai, dated 22/1/2021. Report is marked as ‘X’ for identification. Copy of communication issued through Medical Officer, Health Department, ‘S’ ward is annexed to the report. Report affirms the statement made before this Court that Respondent No.1 – Daulat Atmaram Joshi, resident of Room No.5, Rukhmini Niwas, Pandav Kund, Nardas Nagar, Bhandup (W), Mumbai expired on 13/12/2012. There is an entry in respect of death of

Respondent No.1 in the appropriate Birth and Death Register maintained by Brihan Mumbai Corporation.

2. In view of these facts the present Appeal abates against Respondent No.1. Insofar as Respondent No.2 is concerned, the learned counsel appearing for Respondent No.2 expresses his inability to make any statement as to whether Respondent No.2 is alive or otherwise. As no instructions are received by him in respect of various communication forwarded by him to Respondent No.2 at his address, we have no choice but to issue Bailable Warrant to Respondent No.2 for an amount of Rs.15,000/-.

3. Post the Appeal for further consideration on 1/4/2021.

2. As regard Respondent No.2 to whom Bailable Warrant was issued, report is received from the District Judge and Additional Sessions Judge, Sindhudurg that Bailable Warrant was not served as Respondent No.2 has expired on 31 March 2021. The copy of the death certificate is placed on record. Learned APP confirms this position.

3. The Appeal against Respondent No.2 abates. It has already abated as against Respondent No.1. There are only two Respondents in this Appeal. Accordingly, the Appeal is disposed of as abated.

(C. V. BHADANG, J.)

(NITIN JAMDAR, J.)