

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.175 OF 2006

Dnyaneshwar Rajaram Jadhav	Appellant
versus	
The State of Maharashtra	Respondent
WITH	
CRIMINAL APPEAL NO.1079 OF 2007	

The State of Maharashtra	Appellant
versus	
Dattatraya Mahadev Malawade	Respondent

Mr.PB.Kulkarni, Advocate for appellant in Appeal No.175/2006.

Mr.S.V.Gavand, APP, for State in Appeal No.175/2006 and for Appellant in Appeal No.1079/2007.

Mr.Rohit A. Jadhav, Anuja Diwadkar, Mr.Rachel Talli i/by NDB Law for Respondent in Appeal No.1079 of 2007,

CORAM : PRAKASH D. NAIK, J.

DATE : 25th March 2022

PC :

1. Criminal Appeal No.175 of 2006 is filed against conviction. Vide order 8th December 2021 bailable warrant was issued by this Court against appellant returnable on 5th January 2022.

2. Report dated 24th December 2021 was forwarded by concerned Police Station stating that attempts were made to execute bail warrant issued by this Court against appellant. Since he could not be traced at the given address, police tried to execute warrant at his native place. The residents of the locality informed the police that appellant's correct name is Dnyandeo Jadhav who is expired. His family members are residing at Solapur. On receipt of information police approached the son of appellant Tanaji Dnyandeo Jadhav. He informed that Dnyandeo Rajaram Jadhav had expired on 19th

January 2009. The photocopy of death certificate of Dnyandeo Rajaram Jadhav was submitted to police. The statement of Tanaji Dnyandeo Jadhav was recorded on 24th December 2021 in which it is stated that Dnyandeo Rajaram Jadhav had expired. Report has been submitted to this Court.

3. The office note indicate that name of appellant mentioned in the appeal memo and in the judgment is Dnyandeo Rajaram Jadhav. The death certificate refers to the name of Dnyandeo Rajaram Jadhav.

4. Learned APP brought to my notice panchanama which refers to the name of accused embossed on the shirt as Dnyandeo R. Jadhav. He also brought to my notice the vakalatnama filed by the advocate representing appellant in Bail Application in which the accused (appellant) had signed as Dnyandeo Rajaram Jadhav. The appeal was affirmed by accused. All these documents would indicate that name of appellant is Dnyandeo Rajaram Jadhav. The statement of son of Dnyandeo Rajaram Jadhav indicate that Dnyandeo Jadhav has expired.

5. In view of these circumstances, Criminal Appeal No.175 of 2006 stands abates and disposed of. The fine has been deposited by appellant. The paper book in Criminal Appeal No.175 of 2006 be kept on record along with Criminal Appeal No.1079 of 2007.

(PRAKASH D. NAIK, J.)

MST