

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.267 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.414 OF 2015

Prajpal Nanaso Desai ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondents

WITH
CRIMINAL REVISION APPLICATION NO.414 OF 2015

Mr. S. S. Koregave for Applicant.

Mr. A. R. Patil, APP for Respondent No.1 (State).

CORAM : AMIT BORKAR, J.

DATE : 15th NOVEMBER, 2022

P.C.:

1. The Application is for restoration of Revision Application which was dismissed for default.

2. During pendency of Application, the applicant has expired. The applicant is original accused in proceedings under Section 138 of Negotiable Instruments Act, 1881, who had been convicted by the learned Magistrate. An Appeal filed against the conviction, the applicant had deposited compensation.

3. Learned advocate for the applicant states that he has no instructions from the legal representatives. He, on instructions, states that he is in possession of the death extract of the applicant.

4. In that view of the matter, nothing remains to be adjudicated in the present Application.
5. However, it is made clear that the amount deposited by the applicant before the learned Sessions Judge along with accrued interest is permitted to be withdrawn by respondent no.2, subject to filing of undertaking that in case the present proceedings are revived and are decided against the applicant, respondent no.2 shall reimburse the legal representatives of the applicant entire amount alongwith interest at the prevalent bank rate.
6. Criminal Application stands disposed of.
7. In view of disposal of Criminal Application, Criminal Revision Application No.414 of 2015 stood disposed of.

(AMIT BORKAR, J.)