

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 944 OF 2006

Dilipsinha Shankarrao Yadav ...Appellant

vs.

Indrajitsingh Surjitsingh Tuteja
and Anr. ...Respondents

None for the Appellant

Mr. Sudhir S. Hardikar - Advocate for the Respondent No. 1.

Mr. H. J. Dedhia – APP for the State

CORAM : S. M. MODAK, J.

DATE : 13th DECEMBER, 2022

P. C. :-

1. Heard learned counsel for the Respondent No. 1-accused. The 9th Court JMFC, Pune as per Order dated 07/07/2003 was pleased to acquit the Respondent for the offence punishable under Section 138 of the Negotiable Instrument Act. This judgment is challenged by the original complainant. The matter has ripe up for final hearing. Prior to elevation, Justice Ms. Revati Mohite-Dere used to represent the Appellant-Complainant. When Notice was issued to the Appellant, Crime Branch Administration, Pune City informed to

this Court as per Report dated 28th October, 2015 that the notice on the Appellant was not served as Appellant is not residing on the address mentioned in the Appeal Memo. In fact on that address one Vishvesh Deshmukh owned the flat. He is also residing at Thane. Students residing in that flat as tenants have refused to give statement to that effect. Fact remains that the Appellant is not residing on the address given in the Appeal Memo. Appeal is pending since long. It is for the Appellant to be diligent. It seems that he has lost the interest. There is no point in keeping the appeal pending.

2. Hence it is dismissed for non prosecution.

[S. M. MODAK, J.]