

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

CRIMINAL WRIT PETITION NO.2669 OF 2009

Nilesh Jaiprakash Rathi

...Petitioner

Versus

Prakash Somnath Boob and Anr.

...Respondents

Mr. Mohit Shamdasani i/b Mr. Rahul Motkari, for the Petitioner.

Ms. P. P. Shinde, A.P.P for the Respondent No.2– State.

CORAM : REVATI MOHITE DERE, J.

DATE : 28th FEBRUARY 2022

P.C. :

1. Learned Counsel for the petitioner has circulated the aforesaid petition, as the petition has abated.
2. Learned Counsel for the petitioner states that the petitioner has impugned the order passed on an application filed under Section 340 of the Code of Criminal Procedure, to initiate action against the respondent No.1. He submits that as no action was taken on the said application by the learned Judge, the aforesaid petition was filed. He submits that the said petition was admitted by this Court vide order dated 30th November 2010.

He states that during the pendency of the aforesaid petition, the respondent No.1 has expired and as such the petition has abated and will not survive.

3. Accordingly, the petition is disposed of as having abated due to the death of the respondent No.1.

4. Rule is discharged.

REVATI MOHITE DERE, J.