

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.13 OF 2007**

Rupee Co-operative Bank Limited] Appellant

vs.

State of Maharashtra and another] Respondents

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Mr. Pratap Patil i/b Mr. T.S. Shendge, for Appellant.

Ms. G.P. Mulekar, A.P.P, for Respondent No.1-State.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 29th November, 2023.

P.C.

1. On 12th April, 2023, following order was passed;

“1. Though learned Advocate Ms Vishakha Shelar has got NOC from the earlier Advocate, that Vakalatnama is sent to the head office of the Rupee Co-operative Bank and yet she has not received it.

2. Be that it may, it is informed that Respondent No.3 – Jayant Lalwani has expired and newspaper cutting published in the Times of India dated 24/11/2016 is taken on record. He expired on 03/11/2015. It is marked as ‘Annexure-X’.

3. The Respondent No.5 is Company. Whereas the Respondent Nos.3 and 4 are the Partners/Directors. Appeal is not admitted against the Respondent Nos.3 and 4 as per Order dated 19/12/2006. It is only admitted against Respondent No.5. It is submitted that the Respondent No.3-Jayant Lalwani is signatory of

the cheque. In such circumstances, whether appeal will survive or not is a question.

4. Let learned Advocate for the Appellant to take instructions from the Appellant and let Vakalatnama be filed.

5. Matter be kept on **27/04/2023**".

2. Learned Counsel for the appellant submits that since respondent No.3 had already expired and the appeal was admitted only against respondent No.5 and, therefore, prays for disposing of the appeal.

3. In such circumstances, appeal stands disposed of.

4. Pending applications, if any, also stand disposed of.

[PRITHVIRAJ K. CHAVAN, J.]