

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

CRIMINAL WRIT PETITION NO. 456 OF 2023

Mukesh Navani	... Petitioner
v/s.	
The State of Maharashtra	 Respondent

Mr. Ghanshyam Upadhyay i/b. Law Juris for the Petitioner.
Mr. A.R. Patil, APP for the State.

CORAM: R.G. AVACHAT, J.

DATED : 08th FEBRUARY, 2023.

P. C. :-

. Heard learned advocate for the Petitioner and the learned APP for the State.

2. Perused the order dated 14/11/2022. The Petitioner herein is the original complainant in the Criminal Case No.996/SS/2017 instituted under section 138 of the Negotiable Instruments Act. On the given date, i.e., on 14/11/2022, both the accused/appellant and his advocate were absent. The Appeal was fixed for final arguments. It was an appeal against conviction.

3. The Petitioner/complainant moved an application with a request to the Appellate Court to decide the appeal on its own merits after

going through the records and proceedings. Learned advocate for the Petitioner has relied upon the judgment of the Apex Court in ***Bani Singh and ors. v/s. State of U.P in Criminal Appeal No.82 of 1995.***

4. According to this Court, if the Appellate Court really finds that the Petitioner and his advocate have been consistently remaining absent to work out the appeal, it may do well to appoint some Competent Advocate to assist him in the matter and on hearing him and the learned advocate for the Respondent, decide the appeal on its own merits within six months from the date of receipt of copy of this order.

5. Writ Petition stands disposed of in above terms.

PREETI
H JAYANI

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(R.G. AVACHAT, J.)