

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

CRIMINAL APPEAL NO. 1108 OF 2005

Sanjiv Rajaram Khandare

...Appellant

vs.

Rajendra Shankar Kelshikar
and Anr.

...Respondents

None for the Appellant

Mr. H. J. Dedhia - APP for the State

Mr. Ish Jain a/w Duj Jain i/by Kiran Jain and Co. - Advocate for
Respondent No. 1.

CORAM : S. M. MODAK, J.

DATE : 11th JANUARY, 2023

P. C. :-

1. When the matter is called in first session, no one is present on behalf of the Appellant. Again it was called in the second session, no one is present on behalf of the Appellant. Learned Magistrate acquitted the Respondent for the offence punishable under Section 213 of the Cantonments Act 1924 mainly for the reason that the Complainant who claims to be authorized officer of Pune Cantonment Board has not filed authorization on record.

2. Learned Advocate for the Respondent pointed out to me

the authorization accompanied to the memo of the appeal but that is also not sufficient. The Respondents were prosecuted for selling certain bakery products without license. They have denied these allegations and they have pleaded that the shop keeper was selling their products.

3. As the appeal is pending long, the Court has awaited for sufficient time. However no one has appeared on behalf of the Appellant, hence appeal is dismissed for want of prosecution.

[S. M. MODAK, J.]