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

CRIMINAL REVISION APPLICATION NO. 303 OF 2007

Solapur Kidney Care and Research Centre Pvt.
Ltd.

.. Applicant

Versus

Amarnath Laxman Alkunte and Anr.

.. Respondents

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- None for Applicant.
- Mr. Prasad Kulkarni, Advocate for Respondent No.1.
- Ms. Dhanalakshmi Krishnaiyer, APP for the State.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 15, 2024.

P.C.:

- 1.** None appears for Applicant.
- 2.** Heard Mr. Kulkarni, learned Advocate for Respondent No.1 and Ms. Krishnaiyer, learned APP for the State.
- 3.** Present Criminal Revision Application (for short “**CRA**”) is filed and instituted by the Applicant - Solapur Kidney Care and Research Centre Pvt. Ltd. through its Director who is the original complainant before the Trial Court. None is appearing for the Applicant since several dates.
- 4.** By this CRA, Applicant seeks to challenge the legality and validity of the judgment and order dated 13.03.2007 arising out of

setting aside the conviction order passed by the learned Judicial Magistrate First Class (for short “**JMFC**”), Court No.2 against Respondent No.1. However, in paragraph No.1 of the present CRA, it is stated that during the pendency of Appeal in the Sessions Court, Respondent No.2 in Criminal Appeal No.27 of 2004 i.e. Shri. Anant Pandurang Pachlag compounded the case on 20.01.2005 vide Exhibit “20”. It is further stated that in that view of the matter, there is no grievance against accused No.2 i.e. Respondent No.2 in Criminal Appeal No.27 of 2004 and therefore he is not made a party to the present CRA.

5. Respondent No.1 – Amarnath Laxman Alkunttee, who is original accused No.1 is represented by Mr. Kulkarni. By previous order dated 07.08.2024 (Coram: S.M. Modak, J.), matter was placed before the District Legal Services Authority – Solapur for conducting mediation, in the absence of the parties by my predecessor. In that view of the matter, JMFC, Court No.2, Nashik has prepared a report and submitted to this Court which has been looked into by the Court and delineated in its order dated 08.10.2024. It is seen that Respondent No.1 – Mr. Amarnath Laxman Alkunte has expired 4 - 5 years ago.

6. Mr. Kulkarni would submit that all his efforts to contact Respondent No.2 for the last several years have failed and he is not

residing at the address which is available with him. In view of the above, the report made by the JMFC dated 05.10.2024 submitted to this Court, if seen is based upon the Bailiff's Report who was appointed by the learned Mediator. The said report made by the learned JMFC has also been placed before me alongwith report of the Chief Bailiff. It is dated 21.09.2024. I have perused the said report. It states that Respondent No.1 has expired approximately 4 – 5 years ago and this information has been gathered after taking appropriate instructions by the concerned Bailiff from the nephew (पुतण्या) who was contacted by the said Bailiff. The said Bailiff has also obtained the endorsement from the nephew of Respondent No.1 whose name is Sanketkumar Anilkumar Alkunte. The report filed by the learned JMFC enclosing the said Bailiff Report alongwith the signature and endorsement by the nephew of Respondent No.1 cannot be disbelieved.

7. In that view of the matter, considering that Respondent No.1 has expired, nothing survives in the present CRA and hence the CRA stands dismissed.

[MILIND N. JADHAV, J.]

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