

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

CRIMINAL APPEAL NO. 109 OF 2012

Dinanath Fulchand Bhavsar ...Appellant
Versus
Gopal Balkrushna Joshi And Anr. ...Respondents

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Mr. Sumedh S. Modak i/by Mr. Vijay Killedar, Advocate for the Appellant.

Mr. Umesh Mankapure for Respondent No.1.

Mr. Y. Y. Dabake, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 15th JANUARY, 2024.

P.C.:

1. This is an appeal against acquittal filed by the complainant. The complaint was filed for offence under Section 138 of the Negotiable Instrument Act vide Judgment and order dated 13th July 2009 passed by the learned J.M.F.C. Sangli in Summary Criminal Case No.642 of 2008. The Respondent No.1 was acquitted.

2. The learned Advocate for the Appellant Mr. Modak submitted that the death certificate indicating that the appellant has expired on 22.10.2016 was produced by Respondent No.1. The same has been taken on record vide order dated 9th September 2023.

3. Mr. Modak submitted that pursuant to receipt of death certificate produced by Respondent No.1, the relatives of Appellant to take instructions about further course of action could not be contacted.

4. In these circumstances, the Appeal is disposed of as the Appellant/Complainant has expired.

(PRAKASH D. NAIK, J.)