

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

CRIMINAL REVISION APPLICATION NO. 120 OF 2017

Veena T. Thadani @ Veena Rajan ...Applicant

VS.

Captain Dilip V. Kopikar and Anr. ...Respondents

None for the Applicant.

Mr.H.J.Dedhia - APP for Respondent No.2 - State.

CORAM : S. M. MODAK, J.

DATE : 9th JANUARY 2024

P. C. :-

1. When the matter is called out, no one is present on behalf of the Applicant. The Applicant - Accused No.2 - Veena T. Thadani along with Tarun Thadani were tried for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 ["NI Act"] by the Court of Metropolitan Magistrate - Vikhroli - Mumbai. Accused - Tarun was acquitted whereas the present Applicant - Veena was convicted. The sentence is simple imprisonment for three months and compensation to the tune of Rs.8,00,000/- (Rupees Eight Lakhs Only).

2. Whereas, the Court of Additional Sessions Judge - Greater Mumbai in Criminal Appeal No. 409 of 2014 has confirmed the conviction and dismissed the Appeal on 3rd January, 2017.

Additionally, the Accused No.2 was directed to pay interest.

3. Accused No.2 - present Applicant has preferred this Revision. It seems that the proceedings are not attended by the Applicant since beginning. In the record, I could find following orders :-

(a) 8th November, 2019 :-

No one was present on behalf of Applicant that is why, this Court has issued notice to the Applicant returnable on 20th December, 2019.

(b) 20th December, 2019 :-

Service report was awaited.

(c) 8th September, 2023 :-

When the matter was listed as Advocate Shri.Talkute has filed a letter dated 4th October, 2018 for discharge at Flag-A, this Court was pleased to issue a notice to learned Advocate for the Applicant to take further steps. This Court has observed that merely by sending a letter, learned Advocate is not relieved of his responsibility. This Court has also seen the Police remark that the Applicant is not residing at given address.

(d) When the matter was placed on 8th December, 2023, no one has appeared and hence, matter was adjourned to 9th January, 2024 for dismissal. Today also, no one has appeared.

4. It is true that in Revision, the legality of the order of conviction has to be checked. Even if the order to issue notice

to Respondents was not issued. So, Court is handicapped in doing the exercise of ascertaining the legality of the order of conviction. So also, Court is handicapped in knowing whether the order passed by the Metropolitan Magistrate and confirmed by the Sessions Court – Mumbai is implemented or not. Even if, *suo motu* this Court will undergo that exercise, it will affect the rights of the parties. For these reasons, I find no reason to adjourn the matter. Notice to learned Advocate for Applicant is not required because already he has sought for discharge. That letter is already on record.

5. Hence, Revision is disposed of for non prosecution.

[S. M. MODAK, J.]