

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

CRIMINAL REVISION APPLICATION NO. 121 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.

2. For the first time, matter is listed on 8th September, 2023. I do not find anywhere the orders passed earlier to 8th September, 2023. This Court was pleased to issue notice to learned Advocate for the Applicant by observing that he is not relieved of his responsibility merely by sending a letter to client.

3. Whereas, the Office report shows that notice returned back unserved with the Police remark not residing at given address. However, notice to Advocate was not issued. That is why, kept the matter on 8th December, 2023. Even on that date,

no one has appeared. That is how, the matter is kept for dismissal today.

4. 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.20,00,000/- (Rupees Twenty Lakhs Only).

5. Whereas, the Court of Additional Sessions Judge - Greater Mumbai in Criminal Appeal No. 513 of 2014 has confirmed the conviction and partly allowed the Appeal on 3rd January, 2017. Additionally, the Accused No.2 was directed to pay interest.

6. Accused No.2 - present Applicant has preferred this Revision. It seems that the proceedings are not attended by the Applicant since beginning.

7. 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.

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

[S. M. MODAK, J.]