

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 248 OF 2015

Deepak Padamsee Toprani

...Applicant

vs.

State of Maharashtra and Anr.

...Respondents

None for the Applicant.

Mr.A.D.Kamkhedkar – APP for Respondent No.1 – State.

CORAM : S. M. MODAK, J.

DATE : 12th FEBRUARY 2024

P. C. :-

1. The Respondent-Accused is convicted for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 [“NI Act”]. The imprisonment is simple imprisonment for six months and amount of compensation is Rs.46,144/- (Rupees Forty Six Thousand One Hundred Forty Four Only). The Court of Additional Sessions Judge dismissed the Appeal as per the judgment dated 27th February, 2015. The Accused filed this Revision Application.

2. Service could not be effected on Respondent No.2 – Complainant. There are orders directing the Applicant to serve Respondent No.2 on new address. They are on 15th February, 2017 and

24th July, 2017. Even private notice was allowed. The notings dated 28th July, 2017 mention that notice issued to Respondent No.2 returned back unserved as he has left the room since last two years. Affidavit of service was not filed.

3. Even the order dated 12th December, 2023 mentions that Office objections are not removed. Hence, matter was adjourned for dismissal to 22nd December, 2023.

4. Today also, no one is present. It is true that this Revision is against conviction. It has to be heard on merits but the Applicant is supposed to complete pre-hearing formalities by serving Respondent No.2. He has failed. It seems that he has lost interest. The Revision is of the year 2015. Hence, it is dismissed for not serving Respondent No.2.

[S. M. MODAK, J.]