

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 853 OF 2011
ALONGWITH
INTERIM APPLICATION NO. 1026 OF 2024

Vastalabai Waman Wankhede ...Appellant

vs.

The State of Maharashtra and Anr. ...Respondents

Ms. Zubi Ansari i/by Mr. Shaikh Shahid Irfan - Advocate for the
Respondent No. 2

Mr. H. J. Dedhia – APP for the Respondent-State

Later on

Mr. Bhavin Jain i/by Mr. Ganesh Gole - Advocate for the Appellant

CORAM : S. M. MODAK, J.

DATE : 11th MARCH 2024

P.C. :-

1. No one is present on behalf of the Appellant.
2. As submitted on the earlier date, learned Advocate for the Appellant has filed an interim application on behalf of the legal representatives of the deceased-Appellant. Even it is not placed alongwith this appeal. Trial Court has convicted the accused for the offence punishable under Section 138 of the Negotiable Instruments Act. Whereas this conviction was set aside by the Court of the Additional Sessions Judge, Greater Mumbai. That is why present

appeal on behalf of the original Complainant.

3. The Complainant has already expired as informed to this Court on earlier date. Even this Court has granted time to bring his legal representatives. Even no steps are taken. It seems that legal representatives are not interested in prosecuting this appeal.

4. Hence appeal is dismissed for non-prosecution.

Later on

5. Learned Advocate Shri Jain appeared and submitted that interim application for bringing legal representatives is already filed in the office in the month of February. Yet it is not numbered. Probably there may be office objections. The Court is not aware until now why they have not removed. The Court cannot grant indulgence to such negligent litigants.

6. I am not intending to recall the Order already passed. If the legal representatives are really serious in prosecuting this appeal alongwith earlier interim application, they may file an application for restoration of the appeal.

7. Request for granting last chance is rejected, because already this Court has granted sufficient opportunity for moving this application.

[S. M. MODAK, J.]