



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

946 CRIMINAL APPEAL NO. 626 OF 2005

State of Maharashtra

....Appellant

VERSUS

Chimaji Jaiwantrao Tambare

.....Respondent

.....
Mr. R. B. Dhaware, APP for the Appellant

.....

CORAM : NEERAJ P. DHOTE, J.

DATE : 23.04.2025

PER COURT :

1. This is an Appeal against the Judgment dated 19/05/2005, passed by the learned Judicial Magistrate First Class, Kinwat, in RCC No.253/2000 acquitting the Respondent - Sole for the offence punishable under Section 3, which is punishable under Section 7 of the Essential Commodities Act, 1955.

2. None for the Respondent - Sole.

3. Since none appeared for the Respondent - Sole, this Court by order dated 21/01/2025 had issued Bailable Warrant [BW] against the Respondent - Sole. Thereafter, by order dated 18/02/2025, this Court had issued Non Bailable Warrant [NBW] against the Respondent - Sole. Thereafter, on 08/04/2025, the following order came to be passed :-

"1. This is an Appeal against Acquittal by the State. None for the Respondent-sole.

2. It is submitted by the learned APP that, as per the Report from the concerned Judicial Magistrate First Class, Kinwat, dated 12.02.2025, the Respondent, Chimaji Jaiwantrao Tambare is dead. The Police Report is enclosed with the said Report. He submits that, in the Death Certificate, the name of deceased is mentioned as

‘Chimaji Jayram Tambare’. He seeks some time to get the proper report from the concerned Police Station in respect of the difference in the middle name of the Respondent.

3. Time granted.

4. Stand over to 23rd April, 2025.”

4. It is submitted by the learned APP for the State that, he has received a Report from the Police Station Islapur stating that, they have inquired with the Sons of Respondent – Sole and they stated that, the name of their father i.e. Respondent - Sole, in Government Record was mentioned as “**Chimaji Jayram Tambare**” and he died on 18/10/2024 at his native place and they provided a copy of his death certificate. The said Report, which is accompanied by the statements of Shankar Chimaji Tambare and Shivaji Chimaji Tambare with the copy of death certificate and the copies of Aadhar Card of the said Shankar Chimaji Tambare and Shivaji Chimaji Tambare are taken on record and marked as ‘**Exhibit-X**’ for identification.

5. From the above, it is clear that, the Respondent – Sole by named Chimaji Jaiwantrao Tambare and the person by named Chimaji Jayram Tambare is one and the same. In this view of the matter, since the Respondent – Sole is dead, the Appeal abates and hence, the same stands disposed off as abated. Record and Proceedings, if received, be sent back to the learned Tribunal.

[NEERAJ P. DHOTE, J.]

Sameer/April-2025