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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1180 OF 2003

Phootermul Santhokchand Jain

..Appellant.

V/s.

The State of Maharashtra & Anr.

..Respondents.

None for the Appellant.

Mrs.M.R.Tidke,APP for the Respondent-State.

Coram : N.M.Jamdar, J.

Date : 30 June 2017

P.C. :-

The Appellant-complainant has challenged the order dated 15 January 2000 passed by the Metropolitan Magistrate, Esplanade, Mumbai acquitting the Respondent No.2-accused for the offence punishable under section 408 of the Indian Penal Code.

2. According to the complainant, the incident had taken place in the year 1986. Charge was framed in the year 1995. The case of the complainant was that the accused did not furnish the

licence and books of accounts of the jewellery shop. The defence of the Respondent-accused was that he was serving in the complainant's shop and the complainant had a trouble with payment of sales tax and income tax and the Appellant, only to create an evidence of loss of books of accounts, falsely charged the Respondent. Accepting this defence, the learned Magistrate had acquitted the Respondent.

3. None appears for the Appellant. None appeared for the Appellant on earlier occasions as well. The board is notified in advance. Considering the nature of the charge and that the incident has occurred 30 years ago and that the Appellant is not remaining present when the appeal is called out, the appeal is dismissed for non prosecution.

(N.M.Jamdar, J.)