

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 8688 of 2021

In R/CRIMINAL MISC.APPLICATION NO. 8690 of 2021

With  
R/CRIMINAL MISC.APPLICATION NO. 8690 of 2021  
With  
R/CRIMINAL APPEAL NO. 1226 of 2021

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MUNICIPAL COMMISSIONER

Versus

JASVANTRAY KANTILAL BHATT

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Appearance:

MR HS MUNSHAW(495) for the Applicant(s) No. 1

for the Respondent(s) No. 1

MR RONAK B RAVAL, APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI

Date : 31/08/2021

ORAL ORDER

ORDER IN CRMA NO.8688 OF 2021

Rule. Learned APP waives service of notice of Rule for the respondent no.2 - State.

This application under Section 5 of the Limitation Act is filed for condonation of delay of 158 days caused in filing criminal appeal challenging the judgment and order dated 10.07.2019 passed by 3<sup>rd</sup> Additional Chief Judicial Magistrate, Jamnagar in Criminal Case No.5028 of 1992, whereby the respondent no.1 herein has been acquitted from the charges levelled against him for the offence punishable under

Sections 406, 409 and 420 of the IPC.

In view of the averments made in the application and in view of the submissions canvassed by learned advocate for the applicant, delay is condoned. Accordingly, application is allowed. Rule is made absolute.

ORDER IN CRMA NO.8690/2021 & CRIMINAL APPEAL NO.1226/2021

Learned advocate for the applicant - appellant submitted that during the pendency of this matter, the respondent No.1 - original accused has passed away and therefore the appeal is abated as per the provisions of Section 394(1) of the Code of Criminal Procedure, 1973. Learned advocate has referred the death certificate of the respondent - accused which is placed on record along with the affidavit of the applicant - appellant dated 06.07.2021.

In view of the aforesaid submission, the appeal stands abated.

In view of the abatement of the appeal, Criminal Misc. Application No.8690 of 2021 does not survive and stands disposed of accordingly.

(VIPUL M. PANCHOLI, J)

LAVKUMAR J JANI