

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 1860-1861 OF 2009

MADANMOHAN (D) THROUGH LRS.

APPELLANT(S)

VERSUS

KAMAL KEDARNATH GANDHI & ANR.

RESPONDENT(S)

O R D E R

These appeals arise out of concurrent orders of acquittal in criminal proceedings under Section 138 of the Negotiable Instruments Act, 1881.

2. Notice was issued on 05.09.2008 and leave was granted on 01.10.2009. Subsequently, the appellant who was the complainant before the trial court died and his legal representatives were substituted.

3. Thereafter, the counsel got disengaged and the legal representatives of appellant were directed to make alternative arrangement. However, they have not made alternative arrangement so far.

4. The order passed by the Registrar on 28.01.2022 reads as follows:

"The office report indicates that service of notice is complete on both the respondents but no one has entered appearance on their behalf.

Appellant Nos. 1 to 5 have been served in

alternative arrangement but no one has entered appearance on their behalf.

As per postal tracking report alternative arrangement notice issued to appellant No. 6 could not be served and returned back with postal remarks " Insufficient Address", since the appellant is unrepresented, the matter be processed for listing before the Hon'ble Judge in Chambers."

5. In view of the above, it is clear that the appellant(s) are not interested in pursuing the matters. Therefore, the appeals are dismissed for non-prosecution.

Pending application(s), if any, shall stand disposed of.

.....J.
(V. RAMASUBRAMANIAN)

.....J.
(B.V. NAGARATHNA)

NEW DELHI
JANUARY 18, 2023

ITEM NO.105

COURT NO.14

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1860-1861/2009

MADANMOHAN (D) THROUGH LRS.

APPELLANT(S)

VERSUS

KAMAL KEDARNATH GANDHI & ANR.

RESPONDENT(S)

Date : 18-01-2023 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Appellant(s)

For Respondent(s) Mr. Aaditya A. Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Bharat Bagla, Adv.
Ms. Kirti Dadheech, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The appeals are dismissed for non-prosecution in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
COURT MASTER (NSH)

(Signed order is placed on the file)