

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 474 OF 2009
(Arising out of SLP (Crl.) No.1049 of 2008)

A.S.BindraAppellant

VERSUS

State of Uttarakhand & Anr. ...Respondents

ORDER

1. Leave granted.
2. Heard learned counsel for the parties.
3. This appeal by way of a special leave petition under Article 136 of the Constitution of India has been filed against the impugned judgment dated 24th of May, 2007 passed by the High Court of Uttarakhand at Nainital in Criminal Misc. Application No.835 of 2006 by which the High Court had dismissed the petition filed by the appellant under Section 482 of the Criminal Procedure Code for quashing of Criminal

Complaint No.192 of 1996 relating to offence punishable under Section 138 of the Negotiable Instruments Act, 1881 pending before the Chief Judicial Magistrate, Dehradun.

4. During the pendency of this appeal, an additional affidavit has been filed on behalf of the appellant in which he has categorically stated that during the pendency of this appeal, the learned Chief Judicial Magistrate, Dehradun by his order dated 2nd of December, 2008 had dismissed the Criminal Complaint No.192 of 1996 filed by the private respondent. The order dated 2nd of December, 2008 passed by the learned Chief Judicial Magistrate, Dehradun has already been annexed with the additional affidavit. Since the appeal arises out of an order rejecting the prayer of the appellant for quashing of the Complaint No.196 of 1996 under Section 482 of the Criminal Procedure Code and in view of the fact as stated herein above that the Criminal Complaint

No.192/1996 was dismissed on 2nd of December, 2008 by the learned Chief Judicial Magistrate, Dehradun, we are of the view that this appeal has become infructuous and accordingly is disposed of as infructuous. There will be no order as to costs.

.....J.
[Tarun Chatterjee]

New Delhi;
.....J.
March 02, 2009.

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[H.L.Dattu]