

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

Criminal Application No. 811 of 2014

Chaturbhuj s/o. Jainarayan Tawari,
Age : 76 years,
Occupation : Agriculturist,
C/o. Mr. Ram s/o. Chaturbhuj Taori,
House No. C-3, Dakshin Vihar,
Paithan Road, Kanchanwadi,
Aurangabad,
Taluka & District : Aurangabad.

.. Applicant
(Original complainant)

versus

Raju s/o. Natthuji Badhe,
Age : 41 years,
Occupation : Business,
Prop. Shri Ganesh Traders,
C/o. Anuja Seeds, Near Uday Talkies,
In front of Padgilwar Agencies,
Akola, Taluka and District : Akola.

.. Respondent
(Original accused)

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Mr. Bipinchandra K. Patil, Advocate, for the applicant.

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CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 8TH APRIL 2015

PER COURT :

1. Heard Adv. Mr. B.K. Patil for the applicant.

2. The applicant is the original complainant in S.C.C. No. 206/2010, pending before Judicial Magistrate (F.C.), Akola. The learned Counsel for the applicant submits that the applicant herein had filed the complaint under Section 138 of the Code of Criminal Procedure, 1973. The present Application was filed for seeking transfer of the said proceedings from the Court of Judicial Magistrate (F.C.), Akola, to any other Court at Aurangabad.

3. The learned Counsel for the applicant submits that the applicant has expired on 6th March 2015. He has produced the death certificate on record. The same is taken on record and marked as Article "X" for the purpose of identification. The learned Counsel for the applicant submits that the legal heirs of the applicant would file an application before the concerned court, seeking permission to prosecute the said case on behalf of legal heirs of the applicant. The legal heirs of the applicant are at liberty to take such steps as are permissible in law.

4. In view of the death of the applicant, prayers herein have become infructuous. The Application stands disposed of accordingly.

(SMT. SADHANA S. JADHAV)
JUDGE

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