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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
 CRIMINAL APPELLATE JURISDICTION
 CRIMINAL APPLICATION NO. 136 OF 2015
 IN
 CRIMINAL APPEAL NO. 578 OF 1995

Shri Hamidulla Abdulgani Shaikh
 (since deceased) and anr.

.. Applicants

Vs.

The State of Maharashtra

.. Respondent

Mr. Sachin Dhakephalkar for applicants.
 Mrs. S. D. Shinde, APP for State.

CORAM: P. V. HARDAS &
 DR. SHALINI PHANSALKAR-JOSHI, JJ.

JANUARY 30, 2015.

P.C.

1. Not on board, mentioned and therefore, taken on board.
2. This application has been filed by the applicant no.2 intimating the court about the demise of applicant no.1 i.e. appellant no.1 in Criminal Appeal No. 578 of 1995. A death certificate at Exh. B is also filed and perusal of the death certificate indicates that applicant no.1 expired on 7/5/2012. The applicant no.2 prays for recalling the order dated 8/1/2015 passed in Criminal Appeal No.578 of 1995 and cancelling the bailable warrant issued against him. The applicant no.2 further prays that name of applicant no.1 i.e. Appellant No.1 in Criminal Appeal No. 578 of 1995 be deleted since he expired on 7/5/2012.

3. It appears that since none had appeared on behalf of the applicants/appellants when the appeal was called out for hearing on earlier three occasions, this court by its order dated 8/1/2015 had directed issuance ofailable warrant against the appellants. Mr. Dhakephalkar, learned counsel for the applicants/appellants states on instructions that appellant no.1 has expired. The learned counsel further states that theailable warrant has not been executed against applicant no.2/appellant no.2, who is present in court. Learned counsel assures the court that the learned counsel would be ready when the appeal is called out for hearing.

4. Accepting the assurance of the learned counsel for the applicant no.2, therefore, we recall our order dated 8/1/2015 directing issuance ofailable warrant against the applicants/appellants. Since theailable warrant has not been executed, theailable warrant stands recalled.

5. Application is allowed as indicated above.

(DR. SHALINI PHANSALKAR-JOSHI,J.)

(P. V. HARDAS,J.)