

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**CRIMINAL APPLICATION NO.1084 OF 2013
IN
CRIMINAL APPEAL NO.234 OF 2005**

Mangala Dattatraya Sawant	...	Applicant.
and		
Dattatraya Dagadu Sawant	...	Appellant/Ori.Accused.
V/s.		
The State of Maharashtra	...	Respondent.

.....
Mr.Ajay Prajapati, Advocate for the Applicant.
Mr.Deepak Thakre, APP for the respondent/State.

....

CORAM : ABHAY M. THIPSAY J.

DATED : 21ST APRIL 2015

P.C.

1. By this application, the applicant, who is the widow of appellant No.1, prays that the abatement of the appeal be set aside. I find that the sentence imposed upon the appellant is also of fine. As such, the appeal would not abate. No order of abatement of appeal has been placed on record and it is the presumption of the applicant that the appeal has already abated on the death of her husband - the appellant No.1.

2. At the cost of repetition, it may be observed that since the sentence imposed upon the appellant is of fine also, the appeal would not abate. The applicant shall be at liberty to prosecute the appeal and may adopt appropriate method for the same.

3. With these observations, the application is disposed of.

(ABHAY M. THIPSAY J.)