

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 5270 OF 2016
IN WP/613/2007

LAXMIKANT PARBHAKARRAO KAWATHEKAR
VERSUS
AMBADAS WAMANRAO UNDE, DIED THROUGH HIS L.RS.
SMT. GODABAI AMBADAS UNDE AND OTHERS

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Advocate for Applicant : Mr. S. C. Yeramwar.

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CORAM : **V. K. JADHAV, J.**
DATE : 22nd November, 2016.

P.C.:

. Heard the learned counsel for the Applicant.

2 Even though the legal heirs of the original Respondent / Accused are duly served, none appears for them. The Applicant / original Complainant has filed criminal writ petition challenging the judgment and order passed by 1st Ad-hoc Additional Sessions Judge, Parbhani in Criminal Appeal No.43 of 2003, thereby reducing the amount of compensation as awarded by the Trial Court in a complaint filed under Section 138 of the Negotiable Instruments Act. The Applicant / original Complainant if succeeds, the amount of compensation would be recovered from the estate of the Respondent / original Accused. In view of this, the legal heirs of the Respondent /

original Accused are the necessary parties, who are now representing the estate of the deceased Respondent / original Accused. In view of this, there is no question of condonation of delay or setting aside the abatement as such.

3 In view of this, the criminal application is allowed in terms of prayer clause (C). Criminal application is accordingly disposed of.

[V. K. JADHAV, J.]

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