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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 674 OF 2016

Mrs. Megha Revandas Bairagi Petitioner

Versus

Mr. Annasaheb L. More & others Respondents

Mr. Amey Deshpande, for the petitioner.

Mrs. A.S. Pai, APP for the respondent State.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 24TH FEBRUARY 2016.

P.C. :

1. Heard learned counsel for the petitioner.
2. By this petition, the petitioner, original accused is challenging the order passed by the Sessions Judge, Niphad, on 1st February, 2016 thereby rejecting Revision Application No.66 of 2015, preferred by the petitioner confirming the order passed by the learned Magistrate.
3. By the impugned order, learned Magistrate, has permitted respondent No.2, who is wife of original complainant Annasaheb Laxman More, to appear on record to contest the complaint filed by Annasaheb More, for the offence punishable under Section 138 of the Negotiable Instruments Act. The perusal of the impugned order passed by the trial

Court and confirmed by Revisional Court, makes it clear that they have relied upon the observations made by the Apex Court, in cases (i) **Rashida Kamaluddin Syed and others -vs- Shaikh Saheblal Mardan (dead through LRS) and anr, 2007 (2) B. Cr. C. 1(SC)** and (ii) **Jimmy Jahangir Madan -vs- Mrs. Bolly Cariayappa Hindley (deceased) by Lrs, 2002 (2) ALL MR Journal 52**, wherein, it was categorically held that proceeding initiated under Section 142 of the Negotiable Instruments Act, on the death of complainant, his legal heirs to be permitted to prosecute the complaints filed under Sections 302 of the Code of Criminal Procedure or under Section 142 of the Negotiable Instruments Act.

4. In view of this clear legal position, there hardly remains any substance in the challenge raised to the order passed by the trial Court permitting Respondent No.2 Shobha, the wife of late Mr. Annasaheb More the original complainant to proceed with the complaint and her name to be brought on record. This writ petition holds no merits. Hence stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]