

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.626 OF 2016

IN

CRIMINAL APPEAL NO.35 OF 2010

**MR.POPAT NATHU KAMBLE (since deceased))
SMT.REKHA POPAT KAMBLE AND ORS.)...APPLICANTS**

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.A.V.Bedekar i/b. Mr.Sandeep Karnik, Advocate for the Applicants.

Ms.V.S.Mhaispurkar, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 1st OCTOBER 2016.

P.C. :

1 Issue notice to respondent. Learned APP accepts notice on behalf of respondent – State.

2 Heard learned counsel for applicant and learned APP. By this application, applicants being wife and three daughters of deceased appellant / accused seek permission to prosecute the appeal for and on behalf of deceased appellant / accused, who having been convicted by the learned Sessions Judge in Special Case No.87 of 2002, during pendency of this appeal, has expired.

3 Record reveals that deceased appellant / accused came to be convicted for the offences punishable under Section 7 of Prevention of Corruption Act and is sentenced to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.2000/-, in default, to suffer simple imprisonment for 3 months, and further for the offences punishable under Sections 13(1)(d) read with 13(2), for which imprisonment period is same, fine imposed is Rs.1000, in default, to suffer rigorous imprisonment for 3 months.

4 Learned counsel for the applicants has contended that as deceased appellant has good case on merits and as the applicants are legal heirs of deceased appellant, who was falsely involved and as such though expired, stigma needs to be removed, prays that application be allowed.

5 Having considering facts as aforesaid, leave as prayed to prosecute the appeal is allowed by condoning the delay caused.

Applicants to carry out amendment in the Memo of Appeal within two weeks.

Application is disposed of as allowed.

(P. N. DESHMUKH, J.)