

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 519 OF 2012
IN
CRIMINAL APPLICATION NO. 915 OF 2012

Smt. Sadhana Devendra Tatiya & ors. ... Applicants.
Versus
Sou. Saida Irfan Goriwala & ors. ... Respondents.

Mr. Mahesh Rawool i/b. Mr. P.B. Shah, advocate for Applicants.

Mr. S.P. Ashore i/b. Mr. S.S. Shetty, advocate for respondent Nos. 2 and 3.

Mr. H.J. Dedhia, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JANUARY 6, 2016

P.C.:

1 Heard the learned Counsel for the applicants and the learned Counsel for the respondents.

2 Rule. Rule made returnable forthwith with the consent of the parties.

3 The original complainant in Summary Criminal Case No. 1148 of 2008, being aggrieved by the Judgment passed by the Judicial Magistrate First Class, Vadgaon, Maval dated 25th May, 2012 thereby acquitting the accused of the offence punishable under Section 426, 427 read with Section 34 of the Indian Penal Code had filed an application seeking leave to appeal which is registered as Criminal Application No. 915 of 2012. It is submitted that the applicant in Criminal Application No. 915 of 2012 expired on 22/8/2012. The application seeking leave to appeal was filed in June, 2012. The death certificate is also annexed with the present application.

4 The present application is filed by the legal heirs of the original applicant Devendra Manikchand Tatiya to prosecute the present proceedings. Taking into consideration the fact that the original complainant had expired after filing of the application seeking leave to appeal, the legal heirs of the deceased complainant deserves to step into the shoes of the original complainant. In the interest of justice,

the application seeking permission for prosecuting the matter through legal heirs deserves to be allowed.

5 The application is allowed in terms of prayer clause (b). Rule is made absolute in the above terms. The application stands disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)