IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO.677 OF 2016
IN
CRIMINAL APPEAL NO.299 OF 2000

Rajendraprasad s/o Shivcharan Pande, PSI, PS Tumsar, Dist. Bhandara
-vs-
The State of Maharashtra, Thr. PSO PS Tumsar, Dist. Bhandara.

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Ms Rashi Deshpande, Advocate for Appellant.
Shri A. V. Palshikar, Addl. PP for non-applicant/State

CORAM : P. N. DESHMUKH, J.
DATE : December 14, 2016

This is an application by legal heirs of original appellant No.1 who is stated to be missing for more than eight years, to allow them to prosecute the appeal presuming that original appellant No.1 who is husband of applicant No.1 and father of applicant No.2 is since not found, is dead.

Learned counsel for applicants has submitted that applicants intend to prosecute said appeal to remove the stigma attached with the name of original appellant No.1 having been convicted in the present crime.

Learned Addl. Public Prosecutor in the circumstances had not disputed the fact of original appellant No.1 having been not traceable.

It is the specific case of applicants that on 07/04/2007 original appellant No.1 left home for

Chandrapur, however did not return back and thus on 25/06/2007 missing report was lodged with Railway Police Station. It is also contended that original appellant No.1 had left to collect pension. However same was not collected and therefore the amount is deposited in the bank account of Dy. Accountant and since then no whereabouts of original appellant No.1 are traceable. Letter issued to applicant No.2 also states that it is found that appellant No.1 was missing from Railway Station Nagpur since 07/04/2007. In the circumstances, application is liable to be allowed. Hence the following order :

Application is allowed.

Applicants are allowed to prosecute Criminal Appeal No.299 of 2000 which shall be shown on board under the caption of 'final hearing'.

JUDGE

Asmita