

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

914 CRIMINAL APPEAL NO. 244 OF 2002

BHASKAR NARAYAN HARANKAR

.. Appellant

VERSUS

STATE OF MAHARASHTRA

..Respondent

...

Advocate for Appellant : Shri. Prasad Jadhavar h/f. Shri. V.J. Dixit
APP for Respondent – State : Shri. S.P. Tripathi

...

WITH

CRIMINAL APPLICATION NO.2134 OF 2003

CORAM : P. R. BORA, J.

Dated: August 31, 2017

PER COURT :

1. In the present matter, this Court on 29th June, 2017 had passed the following order.

“1. The learned counsel for the appellant submits that the appellant is no more. But, because of stigma of conviction the legal representative of deceased appellant could not get monetary benefits of government service. The concerned department also did not disburse amount of PF and gratuity etc. Therefore, LR's of the deceased appellant are intending to prosecute the present appeal. However, there are no any documents produced on record about disbursement of PF. And gratuity amount after the death of deceased appellant.

2. *The learned counsel for the appellant undertakes to produce the document about withholding the amount of P.F. And gratuity etc. after the death of deceased appellant to show the locus of LRs to proceed with the appeal to redress their grievance.*

3. *In view of subsequent development, in the interest of justice stand over to 25th July, 2017.”*

2. The matter was then adjourned to 27th July, 2017. On that day also, the adjournment was sought and this Court had allowed the said request by passing the following order.

“The learned counsel Mr. Prasad Jadhavar, holding for MR. V.J. Dixit, Senior Advocate for the appellant/applicants, submits that though the appellant has expired, his legal representatives are intending to proceed with the appeal because they are not getting pensionary benefits of the deceased appellant in view of the conviction and sentence passed against him, which is under challenge in this appeal. He, therefore, prays for some time to take necessary steps.

2. *Stand over to 11th August, 2017 as a last chance. In case no steps are taken by that date, the appeal would be disposed of as abated.”*

3. Today also the adjournment is sought on the same ground. Since 2003 the present application is pending. Sufficient latitude has already been given by this Court. It appears that, further adjournment will amount to abuse of process of law. I am not

inclined to consider the request made by the learned Counsel for the applicant – appellant to give one more opportunity so as to place the necessary document on record. It has to be stated that, in the order passed on 27th July, 2017 this Court had candidly mentioned that in case no steps are taken by the next date, the appeal would be disposed of as abated. I have, therefore, no reason to adjourn the matter henceforth. Hence, I pass the following order.

ORDER

1. The appeal stands disposed of as abated.
2. Pending criminal application, if any, stands disposed of.

(P R. BORA, J.)