

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL MISC. APPLICATION NO.96 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.152 OF 2016

Pradeep Phanse
Since deceased through his legal heirs,
Smt. Rashmi Pradeep Phanse)...Applicant

V/s.
Kirti Gadhiya)...Respondent

Mr. Hardik Vyas h/for Mr. Amol Patankar, Advocates for the
Applicant/Original Respondent No.1.

Mr. Ameet Palkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 21st MARCH, 2017.

P.C. :

This is an application by legal heir of the deceased
respondent no.1 for permitting her to defend the revision petition
filed by original accused.

2 It is seen from the death certificate placed on record
that the original complainant i.e. respondent no.1-Pradip Phanse
expired on 24.11.2016. The applicant is his legal heir. The revision
petition is challenging the conviction of the revision

petitioner/original accused of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 in a complaint filed by the deceased respondent no.1-Pradip Phanse. As such, the applicant who is his legal heir is entitled to defend the revision petition.

3 In this view of the matter, the application is allowed in terms of prayer clause (a).

(A. M. BADAR, J.)