

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.910 OF 2017
IN
CRIMINAL APPEAL NO.33 OF 2016**

Guruppa Narsing Ingle
(Since deceased through
its legal heirs)

Smt. Vimal Gurappa Ingle and ors.

... **Applicants**

In the matter between

Guruppa Narsing Ingle
V/s.

... **Appellant**

State of Maharashtra and ors.

... **Respondents**

Mr.Sumit Kate i/by Mr. Uday P. Warunjikar, Advocate for the
Appellant.

Mr.Yogesh M.Nakhwa, Advocate for Union of India -CBI BS & FC
– Respondent No.2.

Ms. P.N.Dabholkar, APP for Respondent No.1/State.

CORAM : A.M.BADAR J.

DATED : 9th AUGUST 2017.

P.C. :

1. This is an application by wife, son and daughter of deceased-Appellant for grant of leave to continue the Appeal upon death of Appellant/original accused No.7 who was convicted of the offences punishable under Sections 120-B, 419, 420, 467, 468 and 471 of the Indian Penal Code by the learned Trial Court. In

the Application itself request is made for condonation of delay of 243 days in moving the application.

2. Heard the learned Advocate appearing for the applicants. He argued that because of illiteracy and as applicants were unaware about the limitation for the instant appeal, they could not approach this court for seeking leave to continue Appeal after the death of Appellant/accused No. 7.

3. The learned Advocate appearing for Respondent No. 2-CBI as well as the learned APP opposed the application contending that the delay is inordinate and therefore, application is liable to be rejected.

4. Deceased Appellant/accused No. 7 was a public servant and he was prosecuted at the instance of the CBI and ultimately convicted of the offence stated in the opening paragraph of the judgment during pendency of the Appeal, the Appellant died. As such leave needs to be granted to present Applicants who are near relatives of the deceased and the delay deserved to be condoned for the reasons stated in the application. Hence, the following order:-

ORDER

The application is allowed in terms of prayer clause (a) by granting leave to Applicants to continue the Appeal.

(A.M.BADAR J.)