

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

CRIMINAL APPLICATION NO.236 OF 2017

(for substituting names of Applicants in place of original
deceased Applicant)

in

CRIMINAL APPLICATION NO.191 OF 2016

(for leave to file Appeal)

Atmaram Ghanshyamdas Tejawani
since deceased through legal heirs

1. Naresh Atmaram Tejawani
2. Sangeeta Atmaram Tejawani

.. Applicants
(Legal heirs of deceased
Applicant)

IN THE MATTER OF

Atmaram Ghanshyamdas Tejawani
,

.. Applicant
(Orig.Complainant)

vs

- 1.Ravindra Abhimanyu Kene
- 2.State of Maharashtra

.... Respondents

Ms.Gauri Godse for Applicant
Mr.Pankaj Das for Respondent no.1
Mr.S.S.Pednekar Additional Public Prosecutor for State

Coram : PRAKASH D.NAIK, J

Date : 5 FEBRUARY 2018

P.C

This is an application seeking leave to substitute the
names of the present Applicants in place of original applicant in
Criminal Application no.191 of 2016.

2. The Original Complainant (Atmaram Ghanshyamdas Tejwani) had preferred an application seeking leave to file an Appeal against the judgement and order of acquittal dated 4.2.2016 passed by the Court of 4th Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Ulhasnagar in S.C.C. No.1130 of 2013.

3. The respondent-accused is acquitted for the offence under section 138 of the Negotiable Instruments Act, 1888. Pending the application for leave to file an appeal, the original Complainant/Applicant has expired. Hence, this application has been preferred for substituting the Applicants who are the legal heirs of the deceased Applicant.

4. Learned Advocate for the respondent/accused has no objection for allowing this Application..

5. In the aforesaid circumstances, and considering the fact that the Applicants are the legal heirs of the original Complainant, the Application deserves to be allowed.

ORDER

(i) Criminal Application No.236 of 2017 is allowed in terms of prayer clause (a).

(ii) Application stands disposed of.

(iii) The Applicants are permitted to be impleaded as Applicants in Criminal Application No.191 of 2016. Requisite amendments may be carried out within a period of one week.

{PRAKASH D.NAIK, J}