

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.701 OF 2018

IN

CRIMINAL APPEAL NO.952 OF 2013

**DATTATREYA CHIMASAHEB KHANVILKAR)
SINCE DECEASED THROUGH LEGAL HEIRS)
AND OTHERS)...APPLICANTS**

V/s.

VIDYUT JAYANTILAL SHAH AND ANR.)...RESPONDENTS

Mr.Tejas Dande a/w. Mr.Bharat Gadhavi, Advocate for the Applicants.

Mr.Laukik Tipnis, Advocate for Respondent No.1.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 28th JUNE 2018

P.C. :

1 This is an application for condonation of delay, for setting aside abatement as well as for taking the legal heirs of deceased appellant on record.

2 Heard the learned counsel appearing for the applicant/accused and the learned counsel appearing for the respondent/original accused as well as the learned APP.

3 Legal heirs of deceased appellant want to prosecute the appeal and the application is making out sufficient cause for condoning the delay. The right to prosecute the appeal survives and therefore, the order :

ORDER

- i) The application is allowed.
- ii) The delay is condoned, abatement is set aside and legal heirs of deceased appellant are permitted to be brought on record.
- iii) Necessary amendment be effected forthwith.
- iv) The application is accordingly disposed of.

(A. M. BADAR, J.)