

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

CRIMINAL APPLICATION NO. 560 OF 2017

Kapurchandji Sethiya & Anr.	... Applicants
Vs.	
Keshavji K. Bhanushali & Anr.	... Respondents

**WITH
CRIMINAL APPLICATION NO. 559 OF 2017**

Kapurchandji Sethiya	... Applicant
Vs.	
Keshavji K. Bhanushali & Anr.	... Respondents

...

Mr. R.S. Tripathi for the applicants.
Mr. Anil Dubey for the Respondent No.1.
Mr. A.R. Patil, APP for the Respondent-State.

...

**CORAM : PRAKASH D. NAIK, J.
DATE : 22nd JUNE, 2018.**

P.C.

1. The learned counsel for the applicant placed on record the death certificate of Kapoorchand Sethia alongwith affidavit. The affidavits are filed by applicant No.2 in Criminal Application No. 560 of 2017. It is submitted by applicants advocate that applicant No.1 has expired on 6th November, 2017 and he sought permission to delete applicant No.1 in Criminal Application No. 560 of 2017.

It is further submitted that, the above referred deceased is sole applicant in Criminal Application No. 559 of 2017. It is further submitted that Criminal Application No.559 of 2017 may be disposed off on account of death of applicant therein. It is submitted that applicant No.2 in Criminal Application No. 560 of 2017 shall prosecute application at his instance. The subject matter of proceedings in Criminal Application No. 559 of 2017 pertain to CC No.94/SW/2014 and Criminal Application No. 560 of 2017 pertain to CC No.185/SW/2014 pending before the Court of Metropolitan Magistrate, 49th Court, Vikhroli.

2. Affidavit dated 14/06/2018 filed by Nagesh Sethia in both the applications are taken on record. It is submitted that due to death of Kapoorchand Sethia, the complaints would abate against him.

3. Therefore, Criminal Application No. 559 of 2017 stands disposed of. The name of applicant No.1 in Criminal Application No. 560 of 2017 stands deleted. The fact of death of Kapoorchand Sethiya be brought to notice of trial Court and the trial Court would pass appropriate orders regarding abatement of complaints against the deceased.

4. Ad-Interim relief, if any, granted earlier to continue till next date.
5. List the Criminal Application No. 560 of 2017 on 17th July, 2018.

(PRAKASH D. NAIK, J.)