

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1034 OF 2016

IN

CRIMINAL APPEAL NO.439 OF 2013

SMT.SUMAN BALASAHEB PATIL AND ORS.)...APPLICANTS

IN THE MATTER BETWEEN

BALASAHEB KALGONDA PATIL)...APPELLANT

V/s.

GAJENDRA BUILDERS AND ANR.)...RESPONDENTS

Mr.N.J.Patil, Advocate for the Applicant.

Mr.Akshay Kulkarni h/f. Mr.A.M.Kulkarni, Advocate for Respondent No.1.

Mr.V.V.Gangurde, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 13th FEBRUARY 2018

P.C. :

1 This is an application for permission to prosecute the appeal filed by the deceased appellant challenging acquittal of the respondent no.1 of the offence punishable under Section 138 of the Negotiable Instruments Act.

2 Heard both sides. Applicants, who are legal heirs of deceased appellant want to prosecute the appeal by substituting themselves in place of the deceased appellant. Challenge in the appeal is to the acquittal of the respondent no.1 of the offence punishable under Section 138 of the Negotiable Instruments Act. The appellant was the original complainant. It is not disputed that the application is within limitation and therefore the order :

ORDER

- i) The application is allowed.
- ii) The applicants are allowed to prosecute the appeal filed by deceased appellant Balasaheb Patil.
- iii) Necessary amendment be effected within fourteen days.
- iv) The application is accordingly disposed of.

(A. M. BADAR, J.)