

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1437 OF 2017

IN

CRIMINAL APPEAL NO.16 OF 2009

**MOTILAL RATAN PAWAR (Since deceased))
SHAIENDRA M. PAWAR AND ANR.)...APPLICANTS**

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Sachin Kanse i/b. PRS Legal, Advocate for the Applicants.

Mr.Prashant Jadhav, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 12th JANUARY 2018

P.C. :

1 This is an application under Section 394 of the Code of Criminal Procedure moved by legal heirs of deceased appellant to continue the appeal challenging the conviction and resultant sentence imposed on the appellant, who died during pendency of the appeal.

2 Heard the learned advocate appearing for applicants as well as the learned APP. The learned advocate for applicants submitted that applicants were not aware about the pendency of the appeal, and therefore, the application for prosecuting the appeal filed by the deceased appellant could not be moved within limitation. He argued that the resultant delay be condoned and applicants be permitted to prosecute the appeal filed by the deceased appellant.

3 I have heard the learned APP.

4 In view of the submissions so advanced, and the fact that the appellant during his life time had challenged his conviction and resultant sentence for offences punishable under Sections 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988, the application is allowed by condoning the delay and applicants are permitted to prosecute the appeal.

The application is accordingly disposed of.

(A. M. BADAR, J.)