

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1013 OF 2016
Madhukar G.Gaikwad since deceased through legal heirs
vs.
Suvin Packaging Ltd.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.V. Walve for the Applicants.
Mr. A.R. Kapadnis, APP. for the State.

CORAM :A.S.GADKARI, J.

DATE : 3rd April, 2018

P.C.

1. This is an application for bringing the legal heirs of the appellant/deceased Madhukar Gaikwad on record and for condonation of delay.

2. Heard the learned counsel for the applicants.

The applicants have filed an affidavit of service dated 15.3.2018 thereby placing on record the fact that respondent No.1 has been duly served. Despite service none appears for respondent No.1.

3. Respondent No.1 is acquitted under Section-138 of the Negotiable Instruments Act by the learned Sessions Judge, Nashik in Criminal Appeal No.61 of 2014 by its Judgment and

Order dated 21.11.2015. The present application for leave to file appeal was filed by the original complainant Shri. Madhukar Gaikwad on 5.2.2016. That, before the said application was taken up for hearing, the applicant Shri. Madhukar Gaikwad expired on 21.2.2016 and therefore with a view to prosecute the appeal the legal heirs have filed the present application.

4. For the reasons stated in the application along with prayer for condonation of delay is allowed in terms pf prayer clause (a) and (b).

5. The applicants are directed to amend the cause title of the Criminal Application No.192/2016 for leave to file appeal within a period of three weeks from today.

6. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)