

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

**CRIMINAL APPLICATION NO. 779 OF 2016
IN
CRI. REVISION APPLICATION NO.129 OF 2002**

Bajrang Ganu Kamble & Ors. .. Applicants

Vs.

The State of Maharashtra .. Respondent

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Mr. Shekhar A. Ingawale, Advocate for the Applicant.
Mrs. Geeta P. Mulekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 5, 2018.

P.C. :

This is an application by the legal heirs of the original accused Bajrang Ganu Kamble. Applicant no.1 is wife and applicant no.2 is son of the original accused. The accused was convicted for the offence punishable under Section 145(2) of the Bombay Police Act and was sentenced to suffer imprisonment of three months which was reduced by the Appellate Court by 15 days with a fine of Rs.100/- and in default to suffer simple imprisonment for 10 days.

2 The accused Bajrang Ganu Kamble has expired on
8th March, 2016, which is fortified by the death certificate

annexed to this application (**Exhibit - X**). In view of the nature of conviction and considering the fact that the accused was the police constable, the applicant intend to contest the Revision Application pending before this Court. Learned counsel for the applicant submits that in the interest of justice, the application may be allowed and the applicant may be permitted to challenge the order of conviction on merits. It is further submitted that the applicant did not move the Court by preferring application within stipulated time on account of several factors which are supported in paragraph no.4 of this application.

3 In view of the above circumstances, the application deserves to be allowed.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Application No.779 of 2016 is allowed in terms of prayer clause (a);
- (ii) Criminal Application is disposed of.

(PRAKASH D. NAIK, J.)