

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [APPA] No.859 of 2019
in
Criminal Appeal No.122 of 2007

Dnyaneshwar s/o Ganpatrao Surjuse
 vs.
The State of Maharashtra

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*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri R.B. Dhore, Advocate for the Applicant-Appellant.
 Ms. T.H. Udeshi, A.P.P. for the Respondent-State.*

CORAM : S.M. MODAK, J.
DATE : 11th OCTOBER, 2019.

The convicted appellant expired on 25th October, 2017. A copy of death certificate issued by the Gram Panchayat Warud is annexed. His relatives have got a right to prosecute the appeal further. Proviso to sub-section (2) of Section 394 of the Code of Criminal Procedure permits the relatives of the appellant to continue with the appeal with the leave of the Court, if they want to remove stigma on the appellant.

Hence, the application is allowed. Necessary amendment be carried out within a period of five weeks from today.

The application is disposed of accordingly.

JUDGE

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