

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**914 CRIMINAL APPLICATION NO.954 OF 2020
IN APEAL/186/2011 WITH APEAL/186/2011**

**UTTAMRAO RAMDAS PATIL, DECEASED THROUGH
PRAMILA W/O UTTAMRAO PATIL**

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. A.N. Ayachit, Advocate h/f Mr. K.C. Sant, Advocate for applicant

Mrs. V.S. Choudhary, APP for respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 18th DECEMBER, 2020.

PER COURT :

1 Heard learned Advocate for the applicant and learned APP for respondent/State.

2 Appellant in Criminal Appeal No.186 of 2011 was one Uttamrao Ramdas Patil. The present applicant is his widow. A death extract has been produced showing that Uttamrao Ramdas Patil expired on 28.04.2014. He was challenging the conviction awarded to him for the offence punishable under Section 7, 13(1)(d) of the Prevention of Corruption Act by learned Additional Sessions Judge, Amalner on 28.03.2011 in Special Case (ACB)

No.3 of 2009. The present applicant/widow intends to prosecute the appeal further, and therefore, present application has been filed under Section 394 of the Code of Criminal Procedure, 1973.

3 Though there appears to be delay in preferring such application; yet, taking into consideration the background that the deceased is challenging his conviction order and the appeal was a substantial remedy for him, further, the widow is not receiving educational and other service benefits due to the said conviction and appeal, that delay deserves to be condoned and permission is required to be granted to the present applicant to bring herself on record and prosecute the appeal. Hence, the application is allowed in terms of prayer clause "A".

4 Amendment be carried out, immediately.

5 Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

agd