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

920 CRIMINAL APPLICATION NO.1805 OF 2020
IN APEAL/651/2006

WITH
APEAL/651/2006 WITH APEAL/659/2006

KAMAL W/O DATTATRAY BONDAR
VERSUS
STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Godsay Indraneel S.
Mrs.VS Choudhari, APP for Respondent-State

CORAM : SMT.VIBHA KANKANWADI,J.
DATE : 9th December, 2020.

PER COURT:-

1. Present application has been filed for condoning the delay in taking steps under Section 394 of Cr.P.C.

2. Leave is granted to correct date of death in the Index.

3. It appears that the legal heirs have filed the present application for bringing them on record. However, if we consider proviso to Section 394(2) of Cr.P.C., right is given to any one of the legal heirs to continue the appeal and after taking the said provision into consideration, learned Advocate for applicant submits that the present application and the appeal would be

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prosecuted by the widow of the deceased and, therefore, he seeks leave to delete the names of applicant Nos.2 to 4. The said leave is granted. Amendments to be carried out immediately.

4. The appellant-deceased expired on 28.10.2017 and, therefore, as per the applicants, delay is of 1006 days.

5. Learned APP strongly opposes the application after waiving notice for the respondent. However, taking into consideration the fact that the applicant is widow and claims that she had no legal knowledge that she would be required to prosecute the appeal further. The delay stands condoned. The widow of the deceased is allowed to be brought on record and to continue the prosecution of the appeal and application further. Amendment be carried out accordingly within a week.

6. The application stands disposed of.

(SMT. VIBHA KANKANWADI,J.)

BDV