

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

CRIMINAL APPLICATION (APL) NO.127/2019

(Kunal s/o Pandurang Raikwar and others vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Mr. S.S. Dhengale, Adv. for the applicant /s
Mr. T.A. Mirza, APP for non-applicant no.1
Mr. A.J. Gilda, Adv. for non-applicant no.2

**CORAM : V. M. DESHPANDE &
AMIT B. BORKAR, JJ.**

DATED : 28th September, 2021

Mr. S.S.Dhengale, learned counsel for the applicants tendered a *pursis*. Along with the *pursis* he filed photocopy of death certificate given by the competent authority regarding death of Kunal Pandurang Raikwar. The *pursis* along with the photocopy of death certificate is taken on record and marked as Exh."X" for the purpose of identification. The learned counsel for the non-applicant no.2- Mr A.J. Gilda also does not dispute about the *factum* of death of Kunal Raikwar, the applicant no.1 in this proceeding. In that view of the matter the proceedings in respect of applicant No.1- Kunal Raikwar stands abated.

Insofar as the other applicants are concerned, the learned Additional Public Prosecutor submits that during pendency of this Application, the Investigating officer has filed the charge-sheet. In view of the said statement made by the learned APP, Shri S.S.Dhengale learned counsel for the applicant no.2 and 3 submits that he be permitted to withdraw the Application with liberty to file afresh application u/s 482 of Cr.PC., to set up a challenge against the charge-

sheet. His prayer is accepted. Consequently, we pass the following order :-

ORDER:

- a) The Application filed on behalf of the applicant no.1-Kunal Raikwar stands abated and disposed of.
- b) The Application filed on behalf of applicant no.2-Sheela and applicant no.3-Anjali, is permitted to withdraw the Application with liberty to file a fresh Application u/s 482 of Cr.P.C. .

With the above observations, the Application stands disposed of.

JUDGE

JUDGE

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