

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

**CRIMINAL APPLICATION NO. 1273 OF 2022
WITH
CRIMINAL APPEAL NO.233 OF 2013
AND
CRIMINAL APPEAL NO. 226 OF 2013**

**MADHUBALA GANA PAWARA AND OTHERS
VERSUS
GANA LASHYA PAWARA AND ANOTHER**

Ms.Ranjita R. Barhate (Deshmukh) h/f. Mr.Mahesh Deshmukh, Advocate for the applicants.

Mr.S.P. Tiwari, APP for the respondent/State.

**CORAM : KISHORE C. SANT, J.
DATED : 08.09.2022**

PC :-

01. The learned Advocate for the applicants states that during the pendency of the appeal the original appellant – Gana Lashya Pawara has died on 02.02.2017. In view of this, the applicants, who are his wife, sons and daughters have filed this application for substituting them in place of the deceased. There is delay of 1856 days in filing the application for bringing on record the present applicants as legal representatives of the deceased/original appellant. It is averred in the application that the applicants were not aware of the pendency of the appeal. There is no mention of the date as to when they got knowledge of the pendency of the appeal.

02. Considering the fact that the appeal arises out of proceedings

under the provisions of the Prevention of Corruption Act and the applicant No.1 is to receive service and pensionary benefits from the Government, it is desirable to condone the delay and allow the applicants to substitute in the place of the original appellant/deceased and to prosecute the appeal.

03. Issue notice to the respondent. Learned APP waives service of notice for the respondent/State.

04. Criminal Application No.1273 of 2022 is allowed. The delay caused in filing the application is condoned. Leave is granted to the applicants to substitute them in place of the deceased appellant and prosecute the appeal further. The learned Advocate for the appellant to carry out amendment within one week from today.

05. The appeal be listed for final hearing with connected appeal on the regular board under caption “final hearing” on 04.10.2022.

[KISHORE C. SANT, J.]