

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

**905 CRIMINAL APPLICATION NO. 3531 OF 2022 IN
CRIMINAL APPLICATION ST NO.9765 OF 2022 IN
CRIMINAL APPEAL NO.860 OF 2004**

**VIJAY PRABHAKAR GANGAWANE AND OTHERS
VS
THE STATE OF MAHARASHTRA**

Mr. J. V. Deshpande, Advocate for the applicants
Mrs. P. V. Diggikar, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 18th October, 2022

P. C.

1. Heard learned advocate for the applicants and learned APP

2. This is an application seeking condonation of delay in bringing legal heirs of original appellant on record. The applicants are wife, son and daughter of the original accused-appellant who is convicted by the Special Court for the offence punishable under Section 12 of the Prevention of Corruption Act. Because of the conviction the retiral benefits are not being

paid to the deceased. The applicants came to know about the pendency of the appeal and that they can prosecute the appeal only when they made an enquiry about the retiral benefits. It is submitted that therefore, there is delay for lack of knowledge and the same be condoned in the interest of justice.

3. Considering the reasons for delay, the application deserves to be allowed. Hence, the following order:

ORDER

a] Application is allowed.

b] Delay of 317 days that is caused in filing the criminal application No. 9765 of 2022 in Criminal Appeal No. 860/2004 is condoned.

[KISHORE C. SANT, J.]