

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2438 OF 2022
IN
CRIMINAL APPEAL NO. 392 OF 1998**

Shivaji Bhausahab Mhasudage
(since deceased through his Lrs.)

Lata Shivaji Mhasudage & Anr.

..Applicants.

Versus

The State of Maharashtra

..Respondent

Mr. Dilip Bodake a/w. S. T. Bhosale for Applicants.

Smt. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd AUGUST 2022

PC :

1. This is an application for condonation of delay of 103 days in filing Interim Application No.2437 of 2022 in Criminal Appeal No.392 of 1998, to continue with the said Criminal Appeal after death of the original appellant.

2. Learned counsel for the applicants submitted and it is also mentioned in the application that the applicants were legal heirs of the original accused. The original accused died on 11/10/2020. In the month of May 2022, while looking for some

documents, the applicants came to know about pendency of this appeal. They sought legal advice and they came to know that they can continue with the Appeal even after death of the appellant. Hence, there was delay in filing the application for continuation with the appeal as legal heirs of the original appellant.

3. Considering these submissions and the averments made in the application, the application is allowed. The delay of 103 days in filing I.A.No.2437 of 2022 is condoned.

4. The Application is disposed of.

(SARANG V. KOTWAL, J.)