

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

**INTERIM APPLICATION NO.2527 OF 2022
IN
CRIMINAL APPEAL NO.460 OF 2014**

Bharati Rajkumar Upase Applicant
versus
State of Maharashtra & Ors. Respondents

.....

- Mr. Onkar Mane, Advocate for Applicant.
- Smt. J. S. Lohokare, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 13th SEPTEMBER, 2022**

P.C. :

1. Not on board. Taken on board by way of praecipe.
2. This application is moved for correction of the order dated 06/09/2022. The opening line of the order mentions that the Applicant is the daughter of the Respondent No.6. The title of the application also describes her as daughter of Respondent No.6 Rajkumar Upase. Learned counsel for the Applicant states that in fact she is wife of the Respondent No.6. It is mentioned in paragraph No.2 of the memorandum of the application. He

seeks leave to correct the title of the application. Leave to amend is granted. Amendment shall be carried out forthwith.

3. Considering this amendment, the order dated 06/09/2022 is corrected. The first line of the order shall describe the Applicant as the wife of the original Respondent No.6.
4. The corrected order dated 06/09/2022 be uploaded.

(SARANG V. KOTWAL, J.)

Corrected order dated 06/09/2022 reads thus -

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Bharati Rajkumar Upase	
W/o. Rajkumar S. Upase	..Applicant
Versus	
The State of Maharashtra & Ors.	..Respondents

Mr. Aditya Kharkar i/b. Onkar A. Mane for Applicant.
Mr. Yogesh Y. Dabke, APP for State/Respondent No.1.

CORAM : SARANG V. KOTWAL, J.

DATE : 6th SEPTEMBER 2022

PC :

1. The Applicant is the wife of original Respondent No.6 Rajkumar Upase. The State has filed Criminal Appeal No.460 of 2014 against the acquittal of six respondents. The aforementioned Rajkumar Upase was the Respondent No.6. He has expired on 25/05/2020. Learned APP verified this statement. He accepted, on instructions, that the statement is true, the copy of death certificate is genuine and said respondent had expired on 25/05/2020.
2. Considering this, this being an Appeal against the acquittal, under the provision of Section 394 of Cr.p.c. the Appeal against the original Respondent No.6 Rajkumar Upase stands abated.
3. The Appeal shall proceed against other respondents.
4. The Application is disposed of.

(SARANG V. KOTWAL, J.)