

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

**INTERIM APPLICATION NO.2044 OF 2022
IN
CRIMINAL APPEAL NO.419 OF 2013**

Buvanesh C. Naicker & Anr. Applicants

versus

State of Maharashtra Respondent

IN THE MATTER BETWEEN :

Chandrashekhar C. Naicker (now deceased) Original
Appellant

versus

Central Bureau of Investigation, ACB
and Anr. Respondents

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- Ms. Sneha M. Jethwa a/w Payoja Gandhi, Advocate for Applicants.
- Mr. Harsh Dedhia i/b. H. S. Venegaonkar, Advocate for CBI/Respondent No.1.
- Smt. M. R. Tidke, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 16th NOVEMBER , 2022**

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1. This application is preferred by the son and wife of the original Appellant who had passed away on 07/04/2019. The

Applicants want to continue with the Criminal Appeal No.419 of 2013 filed by him. The Appeal is challenging the conviction of the original Appellant u/s 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988. It is mentioned in this application and it is submitted by learned counsel for the Applicants that the original Appellant passed away on 07/04/2019. After that, the original Appellant's son met with an accident in June 2019. The original Appellant's mother passed away on 17/09/2019. The Applicants were not in proper state of mind because of these deaths in the family. Subsequently lock down was imposed in March 2020 and it became difficult for the Applicants to come to Mumbai from Coimbatore to find and instruct a lawyer. Because of these difficulties there is delay of 431 days in filing an application for bringing the legal heirs of the original Appellant on record. Learned counsel for Applicants prays for condonation of that delay.

2. Learned counsel for the Respondent No.1/CBI does not have any objection if the delay is condoned.

3. Considering these submissions and in the interest of justice the delay of 431 of days in filing Interim Application No.2045 of 2022 is condoned. Interim Application No.2045 of 2022 in Criminal Appeal No.419 of 2013 shall be processed further.

(SARANG V. KOTWAL, J.)