

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

**INTERIM APPLICATION NO. 2083 OF 2022
IN
CRIMINAL APPEAL NO. 941 OF 2002**

Sadashiv Krishna Mane (since deceased)
through Sunita Sadashiv Mane ..Applicant.

In the matter between:

Sadashiv Krishna Mane & Ors. ..Appellant
Versus
The State of Maharashtra ..Respondent

Mr. Vilas B. Tapkir for Applicant.
Smt. Racheeta R. Dhuru for Original Appellant in
Apeal/941/2002.
Smt. J. S. Lohokare, APP for State/Respondent.

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

PC :

1. The applicant herein is widow of the original Appellant No.1 in Criminal Appeal No.941 of 2002. The original Appellant No.1 was convicted by the learned Additional Sessions Judge, Pune in Sessions Case No.8 of 1998 for commission of offence punishable U/s.304(II) r/w. 34 of I.P.C. and he was sentenced to suffer R.I. for 3 years. He was also convicted for commission of

offence punishable U/s.331 r/w. 34 of I.P.C. and was sentenced to suffer R.I. for 3 years. The impugned Judgment and order was passed on 05/08/2002. After that order the applicant was dismissed from the service. He preferred Criminal Appeal No.941 of 2002 against the impugned Judgment and order which is still pending before the Court.

2. It is mentioned in the application and it is submitted by learned counsel for the applicant that the original Appellant No.1 Sadashiv Krishna Mane had expired on 08/11/2014. The applicant was not aware of her legal rights to continue with the appeal. Even the State was not aware of this fact and, therefore, no formal order of abatement of the appeal was passed. The applicant was under the impression that after the death of her husband nothing further survives in the matter. In June 2022, her son came in contact with an advocate who made them aware of their right to continue with the appeal and thereafter this application to continue with the appeal as legal heir of the appellant No.1 was filed.

3. Learned counsel for the Applicant submitted that the

applicant is suffering from financial difficulties. The original Appellant No.1 expired on 08/11/2014. A copy of the death certificate is annexed at Exhibit C to this application. After the conviction the original Appellant No.1 was dismissed from the service and, therefore, the applicant is not even getting pensionary benefits of the appellant No.1. In addition, she is also interested in removing stigma of conviction attached to the name of the Appellant No.1.

4. I have considered these submissions. The Criminal Appeal No.941 of 2002 is still pending for final adjudication. It is filed originally by the Appellant No.1 along with other two accused. The Court will have to consider the merits of the matter since the Appeal is already admitted and it is pending for final hearing. Therefore, there is no harm caused to any party if the applicant is permitted to continue with the Appeal.

5. Hence, the order:

a) The Interim Application No.2083 of 2022 is allowed.

- b) The Applicant is permitted to continue with the Criminal Appeal No.941 of 2002 in the place of Appellant No.1 Sadashiv Krishna Mane as his legal heir.
- c) Learned Advocate Smt. Racheeta Dhuru is present in the Court who had filed the Criminal Appeal No.941 of 2002. She undertakes to carry out amendment forthwith to substitute name of the Appellant No.1 by the name of Applicant herein. Permission is granted.
- d) The I.A.No.2083 of 2022 is disposed of.

(SARANG V. KOTWAL, J.)