

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

**INTERIM APPLICATION NO. 2437 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. Leave to amend is granted to correct the typographical error in prayer clause. Amendment shall be carried out forthwith.

2. This is an application filed for allowing the applicants to continue with the Criminal Appeal No.392 of 1998. The original Appellant had died on 11/10/2020. The Applicants are the legal heirs. The earlier order was passed on 03/03/2022 mentioning that, nobody had come forward to pursue the Appeal and, therefore, the Appeal was disposed of as abated. However, now the

legal heirs have come forward to continue with the Appeal for exercising their right U/s.394(2) of Cr.p.c. The delay in filing this application is already condoned. Therefore, in the interest of justice and considering the provision of Section 394 of Cr.p.c., the application is allowed.

3. The applicants are permitted to pursue the Criminal Appeal No.392 of 1998. Said Appeal shall be added to the weekly final hearing board with the companion Criminal Appeal No.407 of 1998 which is already listed on the weekly final hearing board.

4. The Interim application No.2437 of 2022 is disposed of.

5. Necessary amendment be carried out in the Appeal memo within a period of one week from today.

(SARANG V. KOTWAL, J.)