

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.310/2022

IN
CRIMINAL APPEAL NO.426/2010

Deepchand s/o Pandhari Hiwale

...Versus...

State of Maharashtra, Through P.S.O., Police Station Malkapur (Rural) Tahsil
Malkapur, District Buldhana and others

Applicant : Shrikrishna Deepchand Hiwale

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Manohar, Advocate for applicant
Ms T.H. Udeshi, APP for respondent no.1

CORAM : AVINASH G. GHAROTE, J.

DATE : 21/04/2022

1. The appellant/original victim Deepchand, has passed away on 10/02/2022. The appeal challenges the acquittal of the respondents/accused under Sections 395 and 397 of IPC. By this application, the legal representative of the original appellant is sought to be brought on record, who wishes to prosecute the appeal filed by the original appellant.

2. Ms Udeshi, learned Additional Public Prosecutor has no objection for the same, considering which, the criminal

application is allowed and disposed of. The memo of appeal be accordingly amended within a week from today.

3. Since Shri Manohar is already appearing for the applicant, he undertakes to file his Vakalatnama for the appellant in the main appeal also.

4. The order dated 17/02/2020 records that the respondent no.2 in Criminal Appeal No.426/2010, namely, Dayaram Pandhari Hiwale, who is the respondent no.1 in Criminal Appeal No.90/2010, has passed away in 2010 itself, considering which, his name would be required to be deleted from the memo of appeals in both the appeals, as the appeals stand abated on account of his demise, insofar as Dayaram Pandhari Hiwale is concerned.

5. The appropriate deletion be carried out within a week from today.

(AVINASH G. GHAROTE, J.)

Wadkar