

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

CRIMINAL APPEAL NO.17 OF 2012

Mahesh s/o Vinayakrao Wadnerkar

Vs.

State of Maharashtra, Through P.S.O. Narkhed, Dist. Nagpur

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

Court's or Judge's orders

Mr. S. M. Nafde, Advocate for appellant.

Mrs. M. H. Deshmukh, APP for respondent /State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 08/07/2022

Criminal Application (APPA) No.522/2022

and

Criminal Application (APPA) No.523/2022

Heard Mr. Nafde, learned counsel for the
appellant on the application for condonation of delay
and setting aside abatement.

2. The impugned judgment in the appeal is of conviction under Section 306 of the Indian Penal Code whereunder the appellant was sentenced to suffer rigorous imprisonment for five years and fine cum compensation of Rs.1,00,000/-, in default, simple imprisonment for 3 years and for the offence under Section 33 of the Maharashtra Medical Practitioners' Act to suffer rigorous imprisonment for one year and fine of Rs.1,000/-, in default, simple imprisonment for one month and under Section 36 of the Maharashtra Medical

Practitioners' Act to suffer rigorous imprisonment for six months and fine of Rs.500/-, in default, simple imprisonment for 15 days.

3. The appellant has passed away on 29.5.2013. The present applications have been filed by his widow seeking to continue the appeal. Since the impugned judgment also imposes fine upon the original appellant, in view of what has been said in ***Ramesan (Dead) Through Legal Representative Vs. State of Kerala, 2020 (3) SCC 45***, the applications are allowed.

4. The widow of the appellant is permitted to prosecute the appeal. Since the appeal is of the year 2012, list the same for final disposal, at the end of the board on 12.7.2022.

JUDGE

Sarkate