

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CRIMINAL APPLICATION NO.968 OF 2023
IN APEAL/613/2021

SHRIRANG PANDURANG BHUTE SINCE DECEASED THROUGH
HIS L.R. - MATHURABAI W/O SHRIRANG BHUTE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Govind Kulkarni Advocate h/f. Mr. H.P. Jadhav Advocate
for Applicant.

Mr. R.D. Sanap, A.P.P. for Resp. No.1.

Mr. S.J. Salunke Advocate for Resp. No.2.

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CORAM: SMT. VIBHA KANKANWADI AND
Y.G. KHOBRADE, JJ.

DATE : 9th MARCH, 2023

ORDER :

1. Present application has been filed for allowing the applicant to prosecute the appeal further. Criminal Appeal No.613 of 2021 was filed by one Shrirang Pandurang Bhute challenging the acquittal of present respondent No.2 by the learned Sessions Judge, Jalna on 25th August 2021 in Sessions Case No.226 of 2019 for the offence punishable under Section 302 read with Section 34 and Section 120-B of the Indian Penal Code. Said Shrirang Bhute is the father of the deceased. Shrirang Bhute

expired on 5th November 2022. The photocopy of the death certificate is on record.

2. Present applicant is the wife of Shrirang Bhute i.e. original appellant and mother of the deceased, therefore, she is definitely the person coming under the definition of Section 2(wa) of the Code of Criminal Procedure. Independently also, applicant has the right to file the appeal under the provision to Section 372 of the Code of Criminal Procedure and in view of the death of the original appellant, she wants to get herself substituted.

3. Issue notice to the respondents. Learned APP waives notice for respondent No.1 and learned Advocate Mr. Salunke waives notice for respondent No.2. Though learned Advocate Mr. Salunke has certain objections, yet taking into consideration the fact that the applicant appears to be a rustic illiterate lady and since the appellant was prosecuting the appeal earlier and she claims that the delay is unintentional, the delay stands condoned and the application stands allowed.

4. The present applicant is allowed to prosecute Criminal Appeal No.613 of 2021. Name of the applicant be substituted in

place of the name of original appellant. This amendment to be carried out forthwith.

5. Criminal Appeal No.613 of 2021 be placed for further consideration on 28th March 2023.

[Y.G. KHOBRAGADE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/MAR23