

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**908 CRIMINAL APPLICATION NO.2338 OF 2021
IN REVN/216/2008**

DILAWARKHAN CHANDKHAN SINCE DECEASED THROUGH L.R.
FIROZ KHAN S/O. DILAWAR KHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr.D.M. Wagh Patil Advocate for Applicants.
Mr.R.D. Sanap, A.P.P. for Resp. No.1.
...

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

DATE : 28th MARCH, 2023

ORDER :

1. By filing present Application, the legal heirs of original victim – injured want to continue the Revision Application. Criminal Revision Application No.216 of 2008 is already filed by one Dilawarkhan Chandkhan who was the injured victim and the said Revision was admitted by this Court. It is stated that original revision applicant expired on 6th March 2020. Due to pandemic situation the legal heirs could not approach this Court earlier, however, they want to continue the Revision Application to challenge the acquittal of original accused Nos.1 to 4 in

Sessions Case No.109 of 2006 by the learned Ad-hoc Additional Sessions Judge-1, Jalna on 27th June 2008 from the offences punishable under Sections 148, 149, 307, 324 read with Section 34 of the Indian Penal Code and Section 4 read with 25 of the Arms Act.

2. It will not be out of place to mention here that original respondent No.5 in Revision Application has expired and the Revision Application stood abated as against respondent No.5 by order dated 1st March 2022.

3. It has to be mentioned here that when the Revision Application is admitted, it has to be taken to its logical end and it cannot be dismissed or disposed of in view of death of the revision applicant. Definitely one of the legal heir can continue the said Revision Application. This is not a civil proceeding where all the legal heirs are required to be brought on record when the right to sue survives. Under such circumstance, learned Advocate for the applicant makes a statement that applicant No.1 – Firoz Khan Dilawar Khan would pursue the Revision Application. Under such circumstance, Criminal Application

No.2338 of 2021 stands allowed. Applicant No.1 be brought on record of the Revision Application.

4. Criminal Revision Application and the connected Criminal Appeals to come up as per its turn.

[Y.G. KHOBRAGADE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/MAR23