

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2491 OF 2022
IN
CRIMINAL APPEAL NO. 695 OF 2015
WITH
INTERIM APPLICATION NO. 2492 OF 2022
IN
CRIMINAL APPEAL NO. 695 OF 2015

Ajij Kasam Shaikh (since deceased) .. Applicants
through Legal Heirs Julekha Aziz
Shaikh and ors

Versus

The State of Maharashtra .. Respondent

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Ms.Asmita S. Sarangdhar with Sunitha Nayak for the applicants.
Mr.S.R.Agarkar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 16th MARCH 2023

P.C:-

1 The heirs of the applicant Ajij Kasam Shaikh, who has filed an Appeal has taken two applications; IA No. 2492/2022 for seeking substitution in the Appeal and IA 2491/2022, praying for condonation of delay of two years and 19 days in bringing out the application.

The Appeal came to be filed by the appellant, calling in question his conviction u/s.7, 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act, 1988 and the sentence imposed pursuant to the conviction.

2 While the Appeal was pending, the appellant expired on 17/3/2020. As such the Appeal would abate except when the Appeal is prosecuted by the legal heirs.

3 By IA No.2492/2022, the legal heirs of the appellant submit that they were unaware of the proceedings filed by the appellant and the procedure that upon his death, they will have to seek their substitution. It was only when the applicants approached the employer of the appellant i.e. Ambernath Municipal Corporation to seek disbursement of retiral benefits, and when it was refused, they came to know about the pendency of the Appeal. Being unaware that they will have to be represented in the said Appeal and particularly, since by conviction under the Prevention of Corruption Act, a stigma has been cast upon the appellant and they want to clear him of the said charges, the applicants are desirous of continuing with the Appeal.

Considering the reason cited in the Application No. 2491/2022 to be bonafide one and since it is not intentional, I deem it appropriate to grant the application by condoning the

delay of 2 years and 19 months and the abatement of the Appeal stand set aside.

IA No.2491/2022 stand allowed on condoning the delay and the Appeal shall be continued by inserting the names of the legal heirs as set out in Application No.2492/2022.

Necessary amendment shall be carried out within a period of two weeks from today.

Both IA, stand disposed off.

(SMT. BHARATI DANGRE, J.)