

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1183 OF 2005

Waman Babu Nikam	...Appellant
vs.	
The State of Maharashtra	...Respondent

Mr. C. P. Deogirikar - Advocate for the Appellant
Mr. H. J. Dedhia - APP for the Respondent-State
None for the Respondent No. 2.

CORAM : S. M. MODAK, J.

DATE : 10th JANUARY, 2023

P. C. :-

1. As learned Advocate Shri Deogirikar has submitted about death of the Appellant as recorded in the Order dated 03/03/2020, this Court has directed to issue notice to son and widow of the Appellant through local police as per Order dated 06/12/2022.
2. The farad sheet mentions that the Police have also served the son of the deceased Appellant Ashok. The son is not having any objection if case is decided.
3. The learned Advocate Shri Deogirikar is right in his submission that the son has to give him Vakalatnama and it has not

happened. Unless it is done case cannot be decided on merits.
Merely saying that case be decided by the son is not sufficient.
Ultimately, he will be bound by the decision decided on merits.

4. In view of the above, appeal cannot be heard on merits.
Hence it is disposed of.

[S. M. MODAK, J.]