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

## CRIMINAL APPLICATION NO. 1795 OF 2018
## IN
## CRIMINAL APPEAL NO. 477 OF 2009
## ALONGWITH
## CRIMINAL APPLICATION NO. 1796 OF 2018
## IN
## CRIMINAL APPEAL NO. 477 OF 2009

Deepak Doshi Sole Proprietor (Deceased)
Through Legal Heirs ...Applicant

vs.

E. E. L. Engineering Co. Ltd and Ors. ...Respondents

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Mr. Rakesh Singh a/w Ms. Heena Shaikh i/by M. V. Kini and Co. - Advocate for the Applicant
Mr. Y. Y. Dabke - APP for the State

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**CORAM : S. M. MODAK, J.**

**DATE : 05th JANUARY, 2023**

**P. C. :-**

1. Heard learned Advocate for the Applicant.

2. The original Applicant-complainant was proprietor to Mahavir Sales Corporation. He expired on 28/10/2014 and there is delay in preferring an application for continuation of the appeal. Criminal Appeal No. 477 of 2009 was admitted on 13/03/2009 against the Respondent Nos. 1, 2 and 4 (by excluding the Respondent No. 3). The judgment of the acquittal for the offence

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punishable under Section 138 of the Negotiable Instruments Act is challenged. Initially, Applicant file a composite application praying for condonation of delay in substitution and also for bringing the legal representatives, now two separate applications i.e. Application Nos. 1795 of 2018 and 1796 of 2018 are filed. Respondent Nos. 1, 2 and 4 are served by private publication. They have not appeared. There are sufficient reasons given in the application for not asking substitution in time and I am convinced with that.

3. Hence both these applications are allowed in terms of prayer clause ‘a’. Necessary amendment be carried out.

4. Application Nos. 1795 of 2018 and 1796 of 2018 are disposed of.

5. Criminal Appeal No. 477 of 2009 be kept on **09th February, 2023**.

**[S. M. MODAK, J.]**