



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

**CRIMINAL APPLICATION NO.1808 OF 2024
IN
CRIMINAL APPEAL NO.593 OF 2005**

1. Dilip s/o Limbajirao Mane (Since Deceased)
Through LRs,

1-A. Smt. Seema Dilip @ Diliprao Mane,
Age: 50 yrs, Occu: Household,
R/o: Umbare Galli, Osmanabad,
Tq. & Dist. Osmanabad

1-B. Buddhabhushan Dilip @ Diliprao Mane,
Age: 28 yrs, Occu: Labor,
R/o: Umbare Galli, Osmanabad,
Tq. & Dist.: Osmanabad

1-C. Sau. Madhuri Pravin Bansode,
Age: 33 yrs, Occu: Household,
R/o.: Osmanabad, Tq. & Dist.: Osmanabad

1-D. Madhusudan Dilip @ Diliprao Mane,
Age: 30 yrs, Occu: Labor,
R/o.: Umbare Galli, Osmanabad,
Tq. & Dist. Osmanabad

2. Rajnikant s/o Yadav Bansode,
Age:40 yrs, Occu: Student,
R/o: Osmanabad, Tq. & Dist. Osmanabad

**.. Applicants
(Orig. Appellants)**

VERSUS

. The State of Maharashtra,
Through the Police Sub Inspector,
Anti Corruption Buero, Osmanabad

.. Respondent

...
Advocate for Applicants: Mr. Joydeep Kadam h/f. Mr. V. D. Salunke
APP for Respondent/State: Mr. K. K. Naik
...

CORAM : ABHAY S. WAGHWASE, J.
Reserved on : 19.07.2024
Pronounced on : 30.07.2024

ORDER:

1. The present application is on behalf of the legal representatives of convict Dilip s/o. Limbajirao Mane, who stood convicted by Special Court, Osmanabad in Special Case (A.C.) No.4 of 2002 for offence under Section 7, 13(1)(d) read with Section 13(2) and Section 12 of the Prevention of Corruption Act. Contention is raised that, delay is caused in bringing the legal representatives on record.

2. It is pointed out that after judgment and order of conviction dated 29.07.2005, Late Dilip had filed criminal appeal before this court bearing no.593 of 2005. He is beneficiary of relief of suspension of sentence and grant of bail and even appeal has been admitted by this court, on 17.08.2005. It is further pointed out that during pendency of criminal appeal convict appellant Dilip expired on 15.11.2020, during Covid time. At the relevant time, applicants, who are heirs were also unable to obtain death certificate and apply for heirship certificate. Subsequently, both the said documents are applied and obtained. According to learned counsel, applicants, who are heirs of appellant have been deprived of service benefits to which Late convict was entitled to. There was other circumstances beyond means of applicants to apply for

coming on record in the capacity of legal representatives. There is delay of 1166 days. Same is not intentional and it is only because of want of knowledge of timely steps to be taken for legal recourse. They want to continue the proceedings and, hence, by the instant application, delay is sought to be condoned.

3. Prosecution is based on the ground that there is immense delay and there is no sufficient explanation for the delay.

4. After considering the submissions of both the sides and statement on oath in paras 3, 4, 5 and 6 and considering the death certificate of deceased Dilip into consideration, in the interest of justice and fair opportunity, delay is required to be condoned. Hence, following order.

ORDER

. Criminal Application No.1808 of 2024 is allowed and disposed of.

[ABHAY S. WAGHWASE, J.]

marathe