



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CRIMINAL APPLICATION NO. 1802 OF 2023
IN CRIWP/98/2006

SWATI DNYANESHWAR PATIL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Krishna Pratap Rodge

APP for Respondent No.1-State : Mrs. Chaitali Choudhari Kutti

Advocate for Respondent No.2 (petitioner) : Mr. S. N. Suryawanshi
h/f Mr. Sanket Suryawanshi

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 24 APRIL 2024

PER COURT :-

1. Learned counsel for the applicant submits that respondent no.2 in Criminal Writ Petition No. 98 of 2006 is the original informant and the petitioner has preferred said criminal writ petition challenging rejection of his discharge application by learned Chief Judicial Magistrate, Dhule in R.C.C. No. 472 of 2004. Learned counsel further submits that during pendency of the criminal writ petition, respondent no.2/original informant died on 08.08.2010. He further submits that daughter of respondent no.2/original informant has preferred instant application seeking intervention, she being legal heir of deceased informant. He pointed out that the present applicant is

allowed to prosecute R.C.C. No. 472 of 2004 on behalf of her deceased father/original informant.

2. Learned APP as well as learned counsel for respondent no.2 (petitioner) opposed the application.

3. In view of above submissions and reasons mentioned in para 3 and 4 of application for intervention, coupled with the legal position enunciated in *Scania Commercial Vehicles India Pvt. Ltd. v. State of Karnataka and Another* 2022 SCC OnLine Kar 1590, the same is allowed in terms of prayer clause “B” and disposed off accordingly.

[ABHAY S. WAGHWASE, J.]