



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3984 OF 2023
IN
CRIMINAL APPEAL STAMP NO. 11199 OF 2023
WITH
CRIMINAL APPLICATION NO. 3985 OF 2023
IN
CRIMINAL APPEAL STAMP NO. 11199 OF 2023
WITH
CRIMINAL APPEAL STAMP NO. 11199 OF 2023

Rama S/o Bhaguji Gaikwad,
Age 71 years, Occ. Labour,
R/o Pimpalgaon Tappa,
Tal. Pathardi, District Beed.

... Appellant
[Orig. Accused]

Versus

1. The State of Maharashtra
Through Police Station Officer,
Shirur Kasar, Police Station,
Tal. Shirur Kasar, Dist. Beed.

2. XYZ ... Respondents

.....
Mr. Amol R. Gaikwad, Advocate for the Applicant.
Mr. N. D. Batule, APP for Respondent No.1-State.
.....

CORAM : ABHAY S. WAGHWASE, J.

Dated : 13.03.2024

ORDER :

1. Criminal Application No. 3984 of 2023 was filed for
condonation of delay of 28 days caused in filing appeal against the

judgment and order dated 27.07.2023. During pendency of said application for condonation of delay, appellant Rama Bhaguji Gaikwad is reported to be dead. Learned APP has placed on record communication received from Central Prison authorities, Aurangabad communicating that under trial prisoner Rama Bhaguji Gaikwad, aged 70 years was suffering sentence by virtue of conviction recorded in Sessions Case No. 247 of 2019 and was lodged in prison since 23.07.2023. That, on 07.11.2023, he was admitted in GHATI hospital up to 13.11.2023, but while undergoing treatment, he expired on 13.11.2023 at around 11.15 p.m. Central Prison authorities have also annexed Provisional Postmortem report cum Medical Certificate of cause of death issued by the Government Medical College and Hospital.

2. Taking the above submissions into consideration and the statement made by learned APP, convict having died, appeal stands abated. Consequently, nothing survives for consideration in the applications for condonation of delay as well for suspension of sentence and grant of bail. Hence, both the applications stand disposed off.

[ABHAY S. WAGHWASE, J.]