

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CONFIRMATION CASE NO.7 OF 2019

The State of Maharashtra	Appellant
versus	
Jitendra @ Pappu Babulal Shinde and others	Respondents

CRIMINAL APPEAL NO.225 OF 2020
WITH
INTERIM APPLICATION NO.380 OF 2020

Nitin Gopinath Bhaliume	Appellant
versus	
The State of Maharashtra	Respondent

WITH
CRIMINAL APPEAL NO.226 OF 2020

Jitendra @ Pappu Babulal Shinde	Appellant
versus	
The State of Maharashtra	Respondent

WITH
INTERIM APPLICATION O.931 OF 2020
AND
INTERIM APPLICATION NO.932 OF 2020
IN
CRIMINAL APPEAL NO.226 OF 2020

Jitendra @ Pappu Babulal Shinde	Appellant
versus	
The State of Maharashtra	Respondent

WITH
CRIMINAL APPEAL NO.1488 OF 2019
WITH
INTERIM APPLICATION NO.2767 OF 2023

Santosh Gorakh Bhaval	Appellant
versus	
The State of Maharashtra	Respondent

CORAM : PRAKASH D. NAIK AND
N.R.BORKAR, JJ.

DATE : 11th March 2024

PC :

1. On the previous date of hearing learned APP had produced Police Report with regards to death of Appellant in Criminal Appeal No.226 of 2020 Jitendra Babulal Shinde. Today learned advocate for Appellant produced photocopy of Death Certificate of said Appellant. The same is taken on record.

2. The Appellant in Criminal Appeal No.226 of 2020 has expired on 10th September 2023.

3. Section 394 of Cr.PC reads as follows :

“394. Abatement of appeals.- (1) Every appeal under section 377 or section 378 shall finally abate on the death of the accused.

(2) Every other appeal under this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of the appellant :

Provided that where the appeal is against a conviction and sentence of death or of imprisonment, and the appellant dies during the pendency of the appeal, any of his near relatives may, within thirty days of the death of the appellant, apply to the Appellate Court for leave to continue the appeal; and if leave is granted, the appeal shall not abate.”

4. There is no prayer for leave to continue the appeal by any of appellant's near relative within stipulated time prescribed u/s.394 of Cr.PC. Hence, the Criminal Appeal No.226 of 2020 stands abated.

5. Learned advocate for Appellant in Criminal Appeal No.225 of 2020 submitted that out station counsel is appearing in Criminal Appeal no.225 of 2020 and hence longer date may be given.
6. The matters be listed for hearing on 18th June 2024.

(N.R.BORKAR, J.)

(PRAKASH D. NAIK, J.)

MST