

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

**INTERIM APPLICATION NO.2386 OF 2024
IN
CRIMINAL APPEAL NO.16 OF 2001**

Balwant Jaywant Kamble,
since deceased through his Legal Heir
Rukshatai Balwant KambleApplicant
Versus
The State of Maharashtra Respondent

**.....
WITH
INTERIM APPLICATION NO.2385 OF 2024
IN
CRIMINAL APPEAL NO.16 OF 2001**

Ms. Ameeta Kuttikrishnan, Advocate a/w. Shubhada Khot
i/b. Shambhavi Desai for the Applicant.
Mr. S.H. Yadav, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th AUGUST, 2024

P.C. :

1. Leave to amend to mention the exact delay in
I.A. No.2386/2024 is granted. Amendment to be carried out
forthwith.

2. I.A. No.2386/2024 is filed for condoning the
delay of 4 years 319 days in filing the Application for

bringing the Applicant on record as legal heir of the deceased Appellant.

3. I.A. No.2385/2024 is filed by the widow of the original Appellant to bring herself on record to pursue Criminal Appeal No.16/2001.

4. The Appeal was originally filed by the Applicant's husband who was convicted by the learned Special Judge at Sangli in Special Case No.2/1991. The Applicant was convicted under Section 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988. He was sentenced to suffer RI for one year on each count and to pay Rs.500/- on each count and in default to suffer RI for one month on each count. The original Appellant had challenged that order by way of Criminal Appeal No.16/2001 which was admitted by this Court and the Appellant was granted bail. The Appellant passed away on 7.5.2019, leaving behind his legal heir the present Applicant. The present Application is filed for bringing herself on record. In filing said Application for

bringing legal heir on record, there is delay of 4 years 319 days.

5. Learned counsel for the Applicant submitted that the Applicant is not in good financial state and she wants to see that the stigma attached to her husband's name is removed. Therefore, she wants to pursue the Appeal.

6. Considering these submissions and in the interest of justice, both these Applications are allowed.

7. The delay in filing the Application for bringing legal heir on record of 4 years 319 days is condoned. I.A. No.2386/2024 is disposed of accordingly. Accordingly the Applicant is permitted to be brought on record by substituting the original Appellant by the present Applicant in Criminal Appeal No.16/2001. I.A. No.2385/2024 is also disposed of accordingly. Amendment in the Appeal memo to be carried out within four weeks from today.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

(SARANG V. KOTWAL, J.)

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