



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

**CRIMINAL APPLICATION NO. 3663 OF 2024
IN APPLN/7233/2017 IN APPEAL/188/2004
WITH**

**CRIMINAL APPLICATION NO. 3664 OF 2024
IN APPLN/7234/2017 IN APPEAL/189/2004**

**THE STATE OF MAHARASHTRA
VERSUS
VASANT TUKARAM PAWAR (DECEASED) THROUGH L.RS**

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Advocate for Applicant : Mrs.Rekha Choudhari h/f. Mr.S.S.Choudhari
Advocate for Respondents : Mr.Umesh Mitkari h/f. Mr. M.S. Kulkarni

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**WITH CRIMINAL APPEAL NO. 188 OF 2004
WITH CRIMINAL APPEAL NO. 189 OF 2004**

**WITH
CRIMINAL APPLICATION NO. 7233 OF 2017
IN APPEAL/188/2004**

**WITH
CRIMINAL APPLICATION NO. 7234 OF 2017
IN APPEAL/189/2004**

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 03 APRIL, 2025

PER COURT :-

1. In this application prayers are raised for permission to bring legal representatives of deceased Vasant Tukaram Pawar (original accused) on record.

2. It is submitted that deceased Vasant Tukaram Pawar, who was working as Treasury Officer at Nashik, was prosecuted for commission of offence under Section 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act. That, vide judgment and order dated 06-03-2004 in Special Case No.77 of 1996, guilt has been recorded and he was sentenced to suffer rigorous imprisonment for seven years and to pay fine. That, Late Pawar challenged the conviction by filing Criminal Appeal bearing Nos.188 of 2004 and 189 of 2004 before this Court and the same are pending.

Learned counsel further pointed out that while he was suffering imprisonment at Nashik, he expired on 02-04-2013. Copy of death certificate is placed on record. Therefore, Criminal Application No.7233 of 2017 in Criminal Appeal No.188 of 2004 and Criminal Application No.7234 of 2017 in Criminal Appeal No.189 of 2004 were required to be filed for bringing legal representatives of deceased Vasant Pawar on record to enable to prosecute them appeals. It is further pointed out that, wife of Vasant Pawar namely Pramila also expired on 09-05-2013. Copy of her death certificate is also placed on record.

3. It is further pointed out that original convict Vasant Pawar and even his wife Pramila, who was legal representative and had applied for contesting the appeals in the capacity of legal representative, also had been died. That, present applicants are the legal representatives of deceased Vasant Pawar and Pramila Pawar, whose details are given in paragraph no.10 of the applications, and thus they are required to be taken on record.

4. It is further pointed out that deceased Vasant Pawar had procured property to the tune of Rs.3,10,784/- and by action it was forfeited by the Government. Therefore, to enable the legal representatives of Vasant Pawar to contest the appeals, it is necessary to allow the applications so as to enable them to even prosecute the appeals. Hence, the above prayers.

5. Heard. Perused the papers. Apparently, it is emerging that on account of conviction of Late Vasant Pawar under the provisions of the Prevention of Corruption Act, appeals have been preferred while suffering sentence in Nashik Jail. Original convict Vasant Pawar seems to have expired. Death certificate is placed on record. His wife Pramila, who had filed applications for being brought on record in the capacity of legal representative, is also reported to be dead.

Her death certificate is also on record. Therefore, details of the persons, who are legal representatives of both deceased Vasant Pawar and Pramila Pawar, more particularly, as mentioned in paragraph no.10 of the applications, are required to be brought on record in view of action on property procured by deceased Vasant Pawar and the same being forfeited.

6. For the reasons mentioned above, Criminal Application No.3663 of 2024 and Criminal Application No.3664 of 2024 deserves to be allowed. Accordingly, both these applications are allowed in terms of prayer clause “B” of respective applications.

7. Criminal Application Nos.7233 of 2017 and 7234 of 2017 are also disposed of.

(ABHAY S. WAGHWASE)
JUDGE