



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 CRIMINAL APPLICATION NO. 1692 OF 2024
IN WP/1608/2018

MOHAN LADHARM MOTWANI SINCE DECEASED THROUGH
L.R. REEMA W/O MOHAN MOTWANI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH

CRIMINAL WRIT PETITION NO. 1608 OF 2018

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Advocate for Applicants in Application & for Respondent No.1
in WP : Mr. Amol Karbhari Gawali.

APP for Respondent/s-State : Mr. Chaitali Choudhari Kutti.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 02.05.2025

PER COURT :-

1. This application is for bringing heirs of deceased complainant on record.

2. Learned counsel Mr. Amol Gawali submits that RCC.No.205 of 2016 was preferred by one Mohan Ladharam Motwani. Respondent Nos.2 to 5 have preferred Criminal Writ Petition which is emanating from order of issuance of process passed by the trial Magistrate and which is modified by the revisional Court. The complainant died on 11.11.2023, who is survived by present applicant Nos.1-A to 1-C. It is submitted

that respondent Nos.2 to 5 should have taken steps to bring heirs on record of the original complainant.

3. Learned counsel Mr. A. G. Talhar appearing for respondent Nos.2 to 5 is absent though he is served with copy of application.

4. Learned APP submits that she is ready to abide by the orders passed by this Court.

5. There is no reason to dispute the entitlement of applicant Nos.1-A to 1-C to prosecute the matter before the jurisdictional Magistrate. The complainant was the victim of economic offence arising out of immovable properties. The cause of action survives against the present applicants. Though it is criminal in nature, considering the nature of allegations, it is desirable to permit them to prosecute the cause further.

6. It also reveals that Apex Court has requested this Court to dispose of the writ petition expeditiously. I, therefore, pass the following order :

ORDER

- (i) Criminal Application is allowed in terms of prayer clause "B".

- (ii) The applicants shall be at liberty to carry out amendment albeit it is the duty of respondent Nos.2 to 5 to do so.

In Criminal Writ Petition No.1608 of 2018

7. In view of the order of the Apex Court passed on 30.10.2023, list this matter for final disposal on 16.06.2025.

(SHAILESH P. BRAHME, J.)

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vmk/-