



Vinita

IN THE HIGH COURT OF BOMBAY AT GOA.
CRIMINAL MISC. APPLICATION NO. 48 OF 2022
IN
CRIMINAL APPEAL NO.12 OF 2019.

ARUN NAIKApplicant/Appellant.

Versus

URMILA BABAL N AIK AND ANRRespondents.

Mr Yash Naik, Advocate for the Applicant/Appellant.

Ms P. Volvoikar, Advocate for the respondent no.1

Mr P. Faldessai, Addl. Public Prosecutor for the State.

CORAM: SHREERAM V. SHIRSAT, J.

DATE: 1st October 2025

P.C.

1. Heard Mr Naik, the Ld. Counsel for the Applicant and Ms P. Volvoikar, the Ld. Counsel for Respondent No.1.

2. The present application has been filed by the wife of the deceased Appellant for bringing on record in the Criminal Appeal, the legal representatives of the deceased Appellant Arun Naik, who expired on 25.1.2021.

3. The Applicant further submits that the application has been filed within the prescribed period of limitation, in view of the order dated 8.3.2021 passed by the Hon'ble Supreme Court in *Suo Motu Writ (Civil) No. 3 of 2020*, whereby the period of limitation stood suspended owing to the extraordinary situation arising from the COVID-19 pandemic. The Applicant further submits that delay, if any occasioned in filing the present application, is bona fide, unintentional, and attributable to the prevailing exceptional circumstances. It is further submitted that the legal heirs in such a case have a right to challenge the conviction of the deceased only for the purpose to prove that the deceased appellant was not guilty of any offence and therefore submitted that the application be allowed and the Applicant be permitted to bring the legal representatives on record in the Criminal Appeal. The Applicant has also prayed that the Applicant be permitted to amend the cause title by adding the word “since deceased” after the name of the Appellant

4. The Ld. Counsel for the Respondent has fairly submitted on instructions that he has no objection for allowing the application.

5. Upon perusal of the record and considering the submissions made, the application is allowed. The Applicant is permitted to bring on record the legal representatives of the Appellant, as stated in the application. The delay in filing the application is condoned.
6. The Applicant is permitted to amend the cause title by inserting the words "since deceased" after the name of the original Appellant.
7. Amendment to be carried out within one week.
8. Application stands disposed of accordingly.

SHREERAM V. SHIRSAT, J.