



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPP) NO. 1649/2025

IN

CRIMINAL APPLICATION (APL) NO. 861/2025

Rajendra Gowardhanlal Agrawal and Ors.

Vs.

State of Maharashtra

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders

Court's or Judge's order

.....
Mr. Yash Venkatraman, Advocate for Applicants.
Mr. A. M. Kadukar, A.P.P. for Non-applicant/State.
Mr. N. A. Lalwani, Advocate for Intervenor.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 08.12.2025

. The applicant in Criminal Application (APPP) No. 1649/2025 has filed an application for assist to prosecution as the complainant was his real brother and the applicant was taking care of his brother, however, he expired. The original applicant i.e. in Criminal Application (APL) No.861/2025 is also real brother.

2. The applicant in this application has stated that he has contested the application before the Trial Court and this objection was not raised there. Now for the first time, the original applicant is raising the objection. The Intervenor/applicant has relied on the judgment of the Hon'ble Apex Court in the case of *Jagjeet Singh and Ors. Vs. Ashish Mishra alias Monu and Anr. [(2022) 9 SCC 321]* in support of his argument that he comes under the expression 'Victim'. He submits that as the intervenor/applicant was taking care of his brother, he is guardian and is entitled to file this application to assist the prosecution.

3. Learned Counsel for the original applicant has objected the application by contending that the intervenor/applicant is not the legal guardian as no authority was given to him. On the contrary, power of attorney was given to the original applicant.

4. Considering the dispute between the real brothers and as the original applicant has not denied that the deceased was staying with the intervenor/applicant, who has filed the application to assist to prosecution, the application is allowed.

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5. Stand over after vacation.

6. Interim order granted on 30.06.2025 is continued till the next date.

(MRS.VRUSHALI V. JOSHI, J.)