

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2988 OF 2024

Dhananjay Krishna Patil. ... Petitioner
Versus
State of Maharashtra & Ors. ... Respondents

Mr. Niranjan Mundargi a/w. Ms. Keral Mehta i/b. Mr. Kaustubh Patil, Advocate for Petitioner.
Mr. Surel S. Shah, Senior Advocate, a/w. Mr. Ajit M. Savagave, Advocate for Respondent No. 2.
Mr. A.R. Metkari, APP for Respondent-State.

CORAM: N. J. JAMADAR, J.
DATE : 12th MARCH 2026

P.C.:

- 1.** Heard the learned Counsel for the parties.
- 2.** The challenge in this Petition is to the orders passed by the learned Sessions Judge thereby permitting the substitution of the deceased Respondent – Complainant in the appeal against the conviction of the Petitioner for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881.
- 3.** It appears that, initially the learned Sessions Judge had permitted the Power of Attorney Holder of the son of the deceased

Complainant to appear in the appeal purportedly under Section 302 of the Code of Criminal Procedure, 1973. Subsequently by a common order dated 12th October, 2023 (below Exh. 29, 35 & 52) in Criminal Appeal No. 07/2019, the learned Additional Sessions Judge, Panvel, Dist-Raigad has permitted David (Ganesh) Benjamin Chincholkar to substitute himself as Respondent in place of his deceased mother Anandibai Dagadu Mumbaikar, the Original Respondent – Complainant. By the said order, the Appellant was directed to carry out necessary amendment in the appeal memo.

4. The effect of the said order is that the son of the deceased - Complainant stands substituted in the Appeal in place of the deceased – Respondent – Complainant. The necessary corollary is that the appeal would be contested by the son of the deceased – Respondent. Thus, it would suffice to clarify that the son of the deceased – Respondent – Complainant stands substituted in place of the original Respondent and would contest the appeal.

5. The Petition stands disposed of.

[N. J. JAMADAR, J.]