

MHPU250019112024 	S.C.C./888/2024 Kisan Vitthal Pansare Tarfe Devendra Kisan Pansare Vs. Sagar Kondibhau Patil
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ORDER BELOW EXH. 35 IN S.C.C. 888/2024

The present application has been filed by Devendra Kisan Pansare, the legal heir (“the applicant”) of the deceased complainant Kisan Vitthal Pansare for permission to contest the complaint on behalf of the complainant. The accused failed to file his say.

2. Read the application. Hear Ld. Advocate for the applicant. No arguments were advanced by Ld. Advocate for the accused.

3. In the case of *Anil G. Shah Vs J. Chittaranjan Co., 1998 Cr. L. J., 3870*, the Hon’ble Gujarat High Court held that, “once the Magistrate happens to take cognizance of the offence under section 138 of N. I. Act, the death of payee-complainant of the cheque has no bearing on the trial in question”. There is no provision in the Code of Criminal Procedure or in the Negotiable Instruments Act contemplating abatement of trial on account of death of the payee. Therefore, the ongoing proceedings are not liable to be abated. The legal heir of the original complainant is entitled to substitute himself in place of the original complainant and proceed with the matter.

4. Therefore, in view of the above findings of the Hon’ble High Court, legal heir of the deceased Kisan Vitthal Pansare is entitled to contest the complaint on his behalf. Resultantly, following order is passed.

ORDER

1. Application (**Exh. 35**) is allowed.
2. Applicant is permitted to substitute himself as the complainant in the place of deceased Kisan Vitthal Pansare and to file amended copy of the complaint on or before next date.
3. Upon compliance of clause 2, applicant shall be permitted to proceed with the present case.

Place : Junnar
Date : 05/05/2026

Sd/-
(S.S. Jain)
Judicial Magistrate First Class,
Junnar