

Criminal Revision Application No.8/2026

ORDER BELOW EXH.79

1. The instant application is filed for bringing the legal heirs of the deceased Namdeo Baburao Chavan on record in the proceedings under Section 145 of the Code of Criminal Procedure, 1973. During the pendency of the proceedings, the party namely Namdeo Baburao Chavan died on 26/11/2023. Thereafter, the present application was filed on 03/04/2024 for bringing the legal representatives of the deceased party on record. The said application has been strongly opposed by the learned Advocate for the opponent on the ground that the deceased party died on 26/11/2023, whereas the application for bringing the legal representatives on record was filed only on 03/04/2024. It is therefore contended that there is an unexplained delay of 90 days in filing the application and that, on account of such delay, the application is not maintainable.

2. Heard both the learned Advocates and perused the record. The question for consideration before me is whether an application for bringing the legal representatives of a deceased party on record in a proceeding under Section 145 CrPC is liable to be rejected merely because it has been filed after some delay.

3. Section 145(7) CrPC specifically deals with the death of a party during the pendency of proceedings. The said provision enables the Magistrate to cause the legal representative of the deceased party to be made a party to the proceeding and thereafter continue the inquiry. The above provision does not prescribe any specific period of limitation within which an application for bringing the legal

representatives on record must necessarily be filed. The proceedings under Section 145 CrPC are preventive proceedings intended to address breaches of peace concerning possession of immovable property. Therefore, the provisions of Order XXII of the Code of Civil Procedure, cannot be applied to the proceedings under Section 145 CrPC. Consequently, the mere fact that the application for bringing the legal representatives on record was filed after the death of the original party, or after some lapse of time, does not by itself make the application barred by limitation. The object of Section 145(7) is to enable the proceeding to continue notwithstanding the death of a party, subject to the discretion of the Magistrate under the said provision. The opponent has also not pointed out any specific provision which prescribes a period of limitation for filing such an application in proceedings under Section 145 CrPC. The objection, therefore, cannot be accepted merely on the ground of delay. In view of the above discussion, the application for bringing the legal representatives of deceased Namdeo Dagdu @ Baburao Chavan is **allowed**. The legal representatives of deceased Namdeo Dagdu @ Baburao Chavan, namely **Smt. Shakuntala Namdeo Chavan, Bhimrao Namdeo Chavan and Anand Namdeo Chavan**, are hereby directed to be brought on record as parties to the present proceedings. Necessary amendment be carried out. Parties to bear their costs.

Date:- 17/08/2026.

(S.S. Nair)
Addl. Sessions Judge
Pimpri Chinchwad, Pune.

CERTIFICATE

I affirm that, the contents of the P. D. F. file Order/ Judgment are same word to word as per original Order/Judgment.

Court Name : Smt. S.S. Nair
Addl Sessions Judge
Pimpri-Chinchwad, Pune

Name of Steno : Smt. Gadkari
Date of order/Judgment : 17.08.2026
Order/Judgment signed by P. O. on : 17.08.2026
Date of Order/Judgment uploaded on : 17.08.2026