

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, Court's or Judge's orders.
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CRIMINAL REVISION APPLICATION NO. 46 OF 2015

THE STATE OF MAHARASHTRA
VERSUS
SHAIKH FAIYAZ SHAIKH CHAND AND OTHERS

...
Advocate for Applicant : Mrs. R. K. Ladda.

CORAM: T. V. NALAWADE, J.
DATED: 30th JUNE, 2015.

PER COURT:

1. The State needs to file revision to challenge the judgment and order made by learned J.M.F.C., Bhoom in a police case filed for offence punishable under section 498-A, 323, 504, 506, 34 of I.P.C. In view of the provision of Section 378 (1) (a) the appeal is available against this decision and the appeal lies in Sessions Court after taking permission of District Magistrate. In Section 401 (5) of Cr.P.Code it is made clear that when appeal lies but revision application is filed and the Court finds that the appeal ought to have been filed then the revision

application can be treated as appeal. In view of this position, this Court holds that it is not desirable to entertain the revision. The learned A.P.P. is allowed to withdraw the revision with liberty to file appeal in Sessions Court.

2. The Criminal Revision Application is disposed of as withdrawn with aforesaid liberty.

[T. V. NALAWADE, J.]

Dt.30/06/2015
ans/46