

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 WRIT PETITION NO. 1406 OF 2014

BHIMPRAKASH RAMCHANDRA ADHAV AND OTHERS
VERSUS
ANIL RAMESH DAHIWADKAR

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Advocate for Petitioners : Mr. Gawali Amol K.
Advocate for Respondent: Mr. Nikhil S. Jaju.

CORAM: T. V. NALAWADE, J.
DATED: 15th JUNE, 2015.

PER COURT:

1. The proceeding is filed to challenge the order made by learned Additional Sessions Judge in Criminal Application No.3 of 2013. The application was filed by present Respondent for condonation of delay caused in filing appeal and the application is allowed by the Sessions Court. Both sides are heard.
2. It appears that R.T.C. No.271 of 1995 was filed by the present applicant against the petitioner. The case was filed for offence punishable under sections 403, 418, etc. of I.P.C. Learned J.M.F.C. acquitted the

respondents. The original complainant wants to challenge that decision and so he filed the proceeding of appeal with delay condonation application in Sessions Court in the year 2013. In view of the provision of section 378 (4) of Cr.P.C. the appeal against acquittal in a case filed in a private complaint lies in this Court and not in Sessions Court. It appears that it was not brought to the notice of the Sessions Court and it was not considered by the Sessions Court. This point goes to the root of the matter and the Sessions Court has no jurisdiction to entertain such appeal. Thus, the order needs to be set aside. The petition is allowed. The order of Additional Sessions Judge is quashed and set aside. There will be liberty to the original applicant to approach this Court.

[T. V. NALAWADE, J.]

Dt.15/06/2015
ans/1406