

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (ALS) No.253 OF 2013

The State of Maharashtra .. Applicant
Versus
Dr.Nilesh Narayan Mote .. Respondent

Mrs.M.R.Tidke, APP for the applicant State.

Mr.Tejas Dande, Advocate for the Respondent.

CORAM : ABHAY M. THIPSAY, J.

DATED : 7th SEPTEMBER, 2015

P.C. :

1 Heard Mrs.M.R.Tidke, learned APP for the applicant State. She informs that Special P.P has been appointed in the matter, and that the matter be kept back for sometime.

2 However, after going through the application which is titled as 'An application for Leave to file an Appeal', I find that the same is misconceived. The order impugned is an order passed by the Court of Sessions in revisional jurisdiction whereby the order issuing process against the respondent herein, was quashed. Such order cannot be construed as of 'acquittal' and is not appealable under section 378 of the Code of Criminal Procedure.

3 The application being misconceived, is dismissed.

4 Needless to say that it shall be open for the State to adopt proper proceeding for challenging the impugned order, if so advised.

(ABHAY M. THIPSAY, J)