

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.10 OF 2015

MANDAR DINKAR JATHAR)...APPLICANT

V/s.

BHARATI KRISHNAJI RAUT AND ANR.)...RESPONDENTS

Mr.Shailesh I. Kantharia, Advocate for the Applicant.

Mr.K.S.Patil, Advocate for Respondent No.1.

Ms.S.S.Kaushik, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 17th FEBRUARY, 2015.

P.C. :

1 Heard.

Though the applicant is seeking condonation of delay in filing an application for leave to appeal, it appears that the appeal is being filed under the proviso to Section 372 of the Code

of Criminal Procedure (Code). It has been held by this court that no specific time limit has been prescribed for filing such an application by the victim. It has also been held that no leave of the court would be necessary for filing such an appeal.

2 However, as rightly pointed out by the learned counsel for respondent no.1, such an appeal, in the present case, would lie in the court of Sessions.

3 In view of this, the learned counsel for the applicant, seeks permission to withdraw the application, stating that he would file an appropriate application / appeal before the court of Sessions. Needless to say, that, he shall be at liberty to do so.

4 The application is allowed to be withdrawn and stands disposed of accordingly.

The application for leave to appeal does not survive.

(ABHAY M. THIPSAY, J.)