

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION (ALP) NO.59 OF 2015**

Miss.Elisha A. Pinto

..Applicant

V/s.

The State of Maharashtra & Ors.

.. Respondents

----

Mr.Manish Dubey i/by Mr.Akhilesh Singh,  
for applicant-appellant.

Mr.Sulbha Joshi, for Respondent no.2.

Mr.A.R. Patil, APP for Respondent-State.

----

**CORAM : A. R. JOSHI, J.**

**DATE :16<sup>th</sup> SEPTEMBER, 2015.**

**P.C.**

1. Heard learned counsel for the applicant. In fact instead of filing an appeal original complainant had preferred an application for leave to file appeal but what is challenge in the matter is the order of acquittal passed by the M.M.Court No.61, Kurla, Mumbai, acquitting the respondent of the offence punishable under section 354 of Indian Penal Code. Present appellant appear to be the defacto complainant and as such he can be taken as a victim as contemplated by proviso of section 372 of Cr.P.C. The forum of the filing the appeal challenging the acquittal in a police case is also mentioned in said proviso.

The order of acquittal is passed by the M.M.Court, Mumbai and hence the appeal against acquittal by the victim is required to be taken to the sessions Court, Mumbai. With this settled position of the law nothing remained in the High Court to entertain this appeal. Hence present application/appeal is disposed of with liberty to the applicant to go before the appropriate forum for filing an appeal challenging the acquittal of the respondent. Said concerned Sessions Court shall deal with the said appeal in accordance with law and also consider that the applicant had wasted his time in coming to the High Court.

**(A. R. JOSHI, J)**

**CERTIFICATE**

Certified to be true and correct copy of the original  
signed Judgment/order.