

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.128 OF 2015

Mr.Chandrakant Gopalrao Dawre ... **Applicant**

V/s.

The State of Maharashtra & Ors. ... **Respondents**

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Mr.Chaitanya S. Kotnis h/f.Harshad Kandalkar, Advocate for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent/State.

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CORAM : ABHAY M. THIPSAY J.

DATED : 13TH MARCH 2015

P.C.

1. Heard.

2. Though the application has been made seeking condonation of delay in making an application for leave to appeal, it appears that the appeal, that is intended to be filed, is in the capacity of victim, as contemplated under proviso to Section 372 of the Code.

3. It has been held by this Court (Majority View)¹ that no leave is necessary for filing such an appeal and further that no specific time limit has been laid down for filing such an appeal.

¹ Criminal Appeal Nos.991,992,331 & 854 of 2011, decided on 22/06/2012.

4. As such, it is not necessary to pass a formal order condoning the delay.
5. The application is disposed of with the aforesaid observations.
6. The application for leave to appeal be treated as a memo of appeal and be numbered accordingly. Necessary amendment be carried out within the period of two weeks from today.
7. The appeal be listed on board for admission on **6th April 2015.**

(ABHAY M. THIPSAY J.)