

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

CRIMINAL APPLICATION (ALP) NO.145 OF 2015

Mrs.Alka Nitin Pandya

..Applicant

V/s.

The State of Maharashtra & Ors.

.. Respondents

Mr. Prashant M. Patil, for the applicant/appellant.

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

CORAM : A. R. JOSHI, J.

DATE : 29th OCTOBER, 2015.

P.C.

1. Heard learned counsel for the applicant a private complainant in this matter. It appears that instead of filing an application for leave to file appeal an appeal memo is presented before the Court, challenging the acquittal of the respondents in the private complaint lodged by the applicant. Though it is argued that the applicant can challenge the acquittal under proviso to section 372 of Cr.P.C., private complainant cannot be considered as a victim as contemplated by the proviso to section 372 but he has to come before the Court under section 378(4) of Cr.P.C. being a private complainant, if he chooses to challenge the order of acquittal. This position was also

made clear on the earlier date i.e. on 15th October 2015 that the applicant is required to file an application for leave to file appeal. If by next date the said application is not filed the present matter shall stand dismissed without further reference to the Court.

2. Stand over beyond vacation till 30th November 2015. If at all there is any delay in preferring such application, such separate delay condonation application is also required to be filed.

(A. R. JOSHI, J)