

Ladda

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

*CRIMINAL APPLICATION No. 40 of 2015*

*The State of Maharashtra* ..Applicant.  
Vs  
*Prakash Sahdev Shewale and Anr* ..Respondents.

*Mrs PP. Bhosale APP for the State.*  
*None for the respondents.*

**CORAM : A.R.JOSHI,J**  
**DATE : 25<sup>th</sup> JUNE, 2015**

PC. :

Present application for leave to file appeal is filed by the State challenging the judgment and order of acquittal of the respondents for the offence punishable under section 354 read with section 34 of IPC. Section 354 of IPC is non-bailable and cognizable offence and as such in view of the proviso to section 372 of Cr.PC, the appeal against acquittal is required to be taken before the concerned Sessions Court as the impugned order is by Additional Chief Metropolitan Magistrate, Borivali, Mumbai. As such the present application cannot be entertained, with direction to the State to take appropriate course of action. In view of the above observations matter is disposed of.

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