

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 314 OF 2013

Sadhana Amol Makhare .. Applicant
Versus
Ravindra Janardan Nimbalkar & Anr .. Respondents

Mr.Nikhilesh Pote, Advocate for the applicant.

Mr.Prashant Hagare, Advocate for respondent no.1.

Mrs.Anamika Malhotra, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 20th FEBRUARY 2015

P.C. :

1 Though this has been filed as an Application for leave to file an Appeal as contemplated under section 378(4) of the Code of Criminal Procedure (for short 'the Code'), it is clear that the acquittal has not resulted from a case instituted on complaint. As such, the reference to section 378(4) of the Code is not correct. Actually, this is an Appeal by a victim as permitted under the proviso to section 372 of the Code.

2 As such, it be numbered accordingly.

3 Heard.

4 Admit.

5 Since the learned counsel for the respondent no.1 is present, I do not find it necessary to take any action under section 390 of the Code. However, issue notice to the respondents.

6 It is directed that the respondent no.1 shall execute a bond in the sum of Rs.10,000/- with one surety in like amount before the trial court within a period of four weeks from the service of notice on him.

7 Hearing of the Appeal is ordered to be expedited.

(ABHAY M.THIPSAY, J)