

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 284 of 2014

MSEDC Ltd.

..Applicant.

Vs

Prashant Pramod panse @ Panche & Anr ..Respondents.

Mr Satish Upadhya i/by M.V.Kini and Co. for the Applicant.

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

Mr Anil D'Souza for respondent no.1.

CORAM : A.R.JOSHI,J

DATE : 11th August, 2015

P.C. :

Heard rival submissions on this application for leave to file appeal preferred by the Maharashtra State Electricity Distribution Co. Ltd which is the original de-facto complainant, first informant. The challenge in the present matter is to the order of acquittal dated 15th January, 2014 passed by the Additional Sessions Judge, Vasai, District Thane. By the said order present respondent no.1 original accused was acquitted of the offence punishable under section 135 of the Indian Electricity Act, 2003. The said order of acquittal was passed in a complaint lodged on a police report and in Electricity Special

Case No. 1 of 2012.

It appears that the State of Maharashtra has not preferred this appeal. But the appeal is preferred by the original de-facto first informant / complainant i.e. the Maharashtra State Electricity Distribution Co. Ltd. Said present matter though filed under section 378 of Cr.P.C. it is actually required to be considered as an appeal under proviso to Section 372 of Cr.P.C. This is more so when the present original complainant party is required to be treated as a victim and as such is entitled to file an appeal challenging the acquittal of the respondent no.1. In that view of the matter, the present application is accordingly allowed to be converted into an appeal without there being any application for leave to file appeal. Necessary amendment is allowed.

Now, this converted appeal is allowed as in a number of cases it is held by a Division Bench of this Court in the case of **Balasaheb Rangnath Khade Vs. The State of Maharashtra and ors.**¹ that it is a right vested in the victim to challenge the order of acquittal and this right is taken at par with that of the

¹ 2013 ALL MR (Cri) 1153

3/3

right of an accused when he challenges his conviction.

In view of the above legal position, the present appeal is admitted. Now, as the respondent original accused is represented by learned counsel, instead of issuing process under section 390 of Cr.P.C. against the respondent, he is directed to remain present before the trial Court on 1.9.2015 for taking bail in the matter. The learned trial Court is directed to release the respondent no.1 on bail in the sum of Rs.1000/-.

Copy of the amended appeal memo be served on the counsel for respondent no.1.

Application No.284 of 2014 stands disposed of.

(A.R.JOSHI, J.)