

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

**CRIMINAL APPLICATION NO.641 OF 2015
IN
CRIMINAL APPLICATION (ALP) NO.586 OF 2013**

Sachin S. Chavan ..Applicant/Appellant
V/s.

Vijay B. Chavan & Ors. .. Respondents

Mr.R.R. Bhosale i/by Ms.Smita Gaidhani, for applicant/appellant.
Mrs.P.P.Bhosale, APP for Respondent-State.

CORAM : A. R. JOSHI, J.

DATE : 12TH AUGUST, 2015

P.C.

1. Heard learned counsel for the applicant in this application for restoration of earlier dismissed application for leave to file appeal. For the reasons mentioned in the application the restoration is allowed. The earlier application no.586 of 2013 is restored to the file.

2. Now the legal question arise as to whether the Criminal Application No.586 of 2013 which is filed by the original defacto complainant challenging the judgment and order of acquittal of the respondent-accused can be entertained

under section 378(4) of Cr.P.C. Admittedly the order of acquittal is in a police case which was registered on the complaint of the present applicant. As such the applicant can be considered as a victim and under proviso to section 372 of Cr.P.C. He has a right to challenge the order of the acquittal of the respondents and in that event the appeal is required to be taken before the concerned Sessions Court. As such the present application is disposed of with direction to the present applicant-defacto complainant to approach the concerned Sessions Court challenging the acquittal of the respondents in a police case. Needless to mention that the concerned Sessions Court shall entertain the appeal if any filed in accordance with law. The aspect as to the limitation is kept open but which can be favorably considered by the trial Court, considering the earlier steps taken by the present applicant-appellant in pursuing the matter before different forum. Accordingly the present matter is disposed of.

(A. R. JOSHI, J)