

Anand

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

CRIMINAL APPLICATION NO.230 OF 2013

The State of Maharashtra .Applicant

v/s.

Dattatraya Namdeo Gunjal & ors .Respondents

Mr.A.R.Patil, APP, for the Applicant – State
Mr.P.G.Sarda, Advocate, for the Respondent Nos.
1 to 6

CORAM : A.R.JOSHI, J.

DATE : 11.06.2015

P.C.

. This is an application for leave to file an Appeal challenging the Judgment and Order of acquittal of the respondents in the matter of offences punishable under Sections 323, 498A, 504 & 506 r/w.34 of the Indian Penal Code. The Judgment and Order of acquittal was passed by the learned Judicial Magistrate F.C., Karmala, District – Solapur. It is dated 06.02.2013. One of the charges for which the respondents were acquitted is the offence

punishable under Section 498A of the Indian Penal Code. The offence under this section is non-bailable and cognizable, if the complaint is lodged by the aggrieved party. In view of this factual position, the Appeal challenging acquittal of the respondents is required to be taken before the concerned Sessions Court in view of provisions of Section 378(1)(b) of the Code of Criminal Procedure. As such, the present matter cannot be taken up here and the present application for leave to file the Appeal is rejected & disposed of accordingly with direction to the State to take appropriate steps in view of provisions of Section 378(1)(b) of the Code of Criminal Procedure.

(A.R.JOSHI, J.)