

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.438 OF 2014

PIYUSH SHASHIKANT SHAH

)...APPLICANT

V/s.

MILAN RAMANILAL KAMDAR AND ORS.

)...RESPONDENTS

Ms.Nisha Agarwal i/b. Smt.Neeta Karnik, Advocate for the Applicant.

Mrs.M.R.Tidke, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 31st AUGUST 2015.

P.C. :

1 Heard.

2 This is an application for condonation of delay in filing an application for leave to appeal against the judgment of acquittal. However, it transpires that the appeal that is intended to be filed is by virtue of the proviso to Section 372 of the Code of

Criminal Procedure. It has been held by this court (majority view)¹ that for such an appeal, no leave is necessary. It has also been held that no specific time limit has been prescribed for filing such an appeal.

3 In the circumstances, it is directed that the appeal be numbered as such and be listed on board for '**Admission**' on **11th September 2015**.

4 In view of this, Criminal Application No.438 of 2014 stands disposed of.

5 Leave to amend the appeal memo granted.

(ABHAY M. THIPSAY, J.)

1 Criminal Appeal Nos.991,992,331,854 of 2011, decided on 22nd June 2012