

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

CRIMINAL APPEAL NO.869 OF 2015

Deepak K. Chavan ..Appellant
V/s.
Rajendra B. Metkari & Ors. .. Respondents

Mr.Rajendra Sarnkar i/by Mr.Surendra R. Yadav,
for applicant/appellant.
Mrs.Anamika Malhotra, APP for Respondent-State.
Mr.Harshad Bhadbhade, for respondent nos.1 to 3.

CORAM : A. R. JOSHI, J.
DATE : 11th SEPTEMBER, 2015.

P.C.

1. Heard rival submissions on this appeal preferred under proviso to section 372 of Cr.P.C. Present appellant is original defacto complainant-first informant. He is challenging the acquittal of the respondent nos.1 to 3 in the matter of acquittal order passed by M.M.Court No.13, Dadar, Mumbai dated 27th July 2015.

2. In view of proviso to section 372 of Cr.P.C. the first informant apparently a victim can file an appeal but if the challenge is to the order of the M.M. Court then the appeal is

required to be taken before the City Civil & Sessions Court, Mumbai. In view of this legal position the present matter is disposed of with liberty to the present appellant to take appropriate course of action and in that event the learned Sessions Court shall deal with the matter in accordance with law considering the aspect of limitation which is kept open.

(A. R. JOSHI, J)

Certified to be true and correct copy of the original
signed Judgment/order.