

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [ALP] NO.402 OF 2014

|                                  |               |
|----------------------------------|---------------|
| Nitin Keshavrao Bhosale          | ..Applicant   |
| <i>Versus</i>                    |               |
| State of Maharashtra and another | ..Respondents |

....  
Mr. Tushar Sonawane, for the Applicant.  
Mrs. P.P. Bhosale, APP, for the Respondent.  
....

CORAM : A. R. JOSHI, J.

DATE : 14<sup>th</sup> JULY, 2015

P.C.

1. This is an appeal challenging the acquittal of the respondent in the matter of offences punishable under Sections 29(5) and 31(3) of the Maharashtra Rent Control Act. The judgment and order of acquittal is passed in case arising out of the police report. Present appellant was the first informant who gave complaint to the police at Yervada police station. Apparently he is a victim as contemplated by proviso to Section 372 of Cr.P.C. and as such the appeal challenging the acquittal can be entertained under said section and in that event the appeal is to be taken before the concerned Sessions Court which is having jurisdiction over the area. As such, the present matter

cannot be entertained in this Court under the provisions of Section 378(4) of Cr.P.C.. As such, the matter is accordingly disposed of with liberty to the applicant/appellant to take proper course of action by filing requisite appeal before the concerned Sessions Court under proviso to Section 372 of Cr.P.C.. Under that proviso there may not be any question of condonation of delay. However, that question is kept open and the concerned Sessions Court shall deal with the matter in accordance with law. All contentions of the present applicant/appellant are kept open.

( A. R. JOSHI, J.)

Deshmane (PS)