

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [ALS] NO.329 OF 2013

Administration of Daman	..Applicant
<i>Versus</i>	
Hemant Ishwar Lal Naik and others.	..Respondents

....

Mr. D.A. Nalawade, for the Applicant.
Mrs. P.P. Bhosale, APP, for the Respondent-State.

....

CORAM : A. R. JOSHI, J.

DATE : 13th JULY, 2015

P.C.

1. In view of the earlier order of this Court dated 29th June, 2015, the legal position is clear and also accepted by the learned Counsel for the applicant that after taking recourse to the provisions of Section 378(1)(a) of Cr.P.C. by filing an appeal challenging acquittal of the respondents, now under Section 378(1)(b) of Cr.P.C. the order of acquittal passed by the Sessions Court in an appeal cannot be challenged. If at all any other course of action by way of filing revision or otherwise is available to the applicant – Administration of Daman, such recourse may be taken. However, nothing survives in this application for leave to file appeal and as such same is accordingly disposed of.

(A. R. JOSHI, J.)