

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.739 OF 2014

Shamim Ahmad Hafizula Sidhiqui ... **Applicant**

V/s.

Rajiv Amarnath Ghai & Ors. ... **Respondents**

.....

Mr.Shailesh I Kantharia, Advocate for the Applicant.

Mr.Sualeh Nagvadaria, Advocate for the Respondent Nos.1 and 2.

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CORAM : ABHAY M. THIPSAY J.

DATED : 25TH MARCH 2015

P.C.

1. Heard.

2. Though this application has been made for condonation of delay in filing an application for leave to appeal, it transpires that the appeal is intended to be filed in the capacity of the applicant as the victim of the alleged offence and by virtue of the proviso to Section 372 of the Code of Criminal Procedure.

3. It has been held by this Court ¹(majority view) that for such an appeal, no leave is necessary. It has also been held by this Court that for such an appeal by victim, no specific time limit has been prescribed.

¹ Criminal Appeal Nos.991, 992, 331, 854 of 2001, decided on 22th June 2012

4. As such, it is not necessary to pass any formal order condoning the delay.

5. The application for leave to appeal be treated as a memo of appeal, be numbered accordingly and be placed on board for admission on **13th April, 2015**. Necessary amendment be carried out within two weeks.

6. The application is disposed of with the aforesaid observations.

(ABHAY M. THIPSAY J.)