

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPEAL NO.293 OF 2016

Rekha w/o Chatrabhuj Pawar,
Age-41 years, Occu:Labourer,
R/o-Naliwadgaon, Tq-Bhoom,
Dist-Osmanabad.

...APPELLANT

VERSUS

The State of Maharashtra,
Through the Police Station Bhoom,
Tq-Bhoom, Dist-Osmanabad
and others.

...RESPONDENTS

...

Mrs. S.K. Doke Advocate for Appellants.
Mr. K.D. Mundhe, A.P.P. for Resp. No.1.

...

CORAM: A.I.S. CHEEMA, J.

DATE : 8TH JUNE, 2016

ORDER :

1. Heard learned counsel for Appellant-
original complainant and learned A.P.P. for State.

Perused the Appeal Memo and the record. The matter arises out of Regular Criminal Case No.110 of 2004 which was filed before J.M.F.C. Bhoom. It was State case. The learned counsel is relying on the Proviso under Section 372 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to maintain the present Appeal. Had there been order of conviction by the trial Court, the Appeal would lie to the Sessions Court. That being so, in view of the Proviso to Section 372 of Cr.P.C., this Appeal in the High Court is not maintainable and the same should have been tendered before the Sessions Court.

2. The learned counsel for the Appellant, at this stage, makes request under instructions, to withdraw the Appeal with liberty to tender the same before the concerned Court.

3. The Appeal is disposed as withdrawn with liberty to file the same before the appropriate Court. The time spent between filing of this

Appeal in the High Court till today, may be considered favourably by the Sessions Court, while considering delay, if any.

[A.I.S.CHEEMA, J.]

asb/JUN16