

2. This appeal has been tendered by the appellant - original complainant against the acquittal order passed by the

Assistant Sessions Judge, Beed in a matter of offence under Sections 498-A and 306 read with Section 34 of the Indian Penal Code.

3. The Sessions Case was a State matter. However, the victim has a right to prefer an appeal in view of the proviso below Section 372 of the Code of Criminal Procedure. The appeal can be filed to the Court to which an appeal ordinarily would lie against the order of conviction of such Court. As per sub-section (3) of Section 374, had the Assistant Sessions Judge passed order of conviction, the appeal would lie to the Court of Sessions. In view of this reading Section 374(3) with proviso of Section 372 of the Code of Criminal Procedure, the present appeal tendered in the High Court cannot be entertained.

4. At this stage, learned counsel for the appellant - original complainant makes a request for permission to withdraw this appeal with liberty to file the same in the appropriate Court.

5. The present appeal is disposed of as withdrawn with liberty to the appellant - original complainant to move the concerned Court of Sessions. The Court of Sessions, while

considering limitation, may favourably consider the time spent by the appellant - complainant in this Court. The present Criminal Appeal was filed in this Court on 16.10.2015. The period since that date till today may be favourably considered by the Sessions Court.

6. The present appeal stands disposed of accordingly.

(A.I.S. CHEEMA, J.)

fmp/cr786.15