

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.119 OF 2016

The State of Maharashtra Applicant

versus

Prashant Baban Pisal ... Respondent

Mr.S.V. Gavand, APP for the State/respondent.

CORAM : A.M.BADAR, J.
DATE : 21st NOVEMBER, 2016

P.C. :

1. Heard learned APP. The learned APP argued that by Code of Criminal Procedure (Amendment) Act, 2005 and particularly vide section 42(f)(iii) of the said amended Act, section 324 of IPC was sought to be made non-bailable. The learned APP further argued that however while notifying the appointed date i.e. 23/06/2006 as the date on which the provisions of the said Act came into force, section 42 (f)(iii) of the amended Act and some other sections are excluded and therefore the proposed amendment of making section 324 of the IPC non-bailable has not yet come into force. According to learned APP, therefore section

324 of IPC is still bailable and therefore the appeal filed by the State is maintainable.

2. Having considered the submissions so made, as well as evidence of injured witness Bhiku and eyewitness Sulochana as well as P.W.6 Dr.Satish Joshi, leave granted. Appeal is admitted for final hearing. Call for R & P. In the meantime action u/s 390 of Cr.P.C. before the Trial Court.

(A.M. BADAR, J.)