

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**920 CRIMINAL APPLICATION NO. 2821 OF 2017**

THE STATE OF MAHARASHTRA

**VERSUS**

SHIVAJI PANDURANG DHOLE AND OTHERS

...

A.P.P. for Applicant/State : Mr. V.S. Badakh  
Advocate for Respondent Nos.1 to 4 : Mr. D.M. Shinde

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**CORAM : T.V. NALWADE, J.**

**DATE : 21<sup>st</sup> DECEMBER, 2017**

**PER COURT :**

The learned counsel for the respondent-accused submits that in this matter leave to file cannot be obtained from this Court under the provisions of Section 378 of Cr.P.C. The provisions of Section 378 [1A] and [1B] shows that when the acquittal is given by learned Judicial Magistrate, First Class of offence which is cognizable and non-bailable, the appeal shall lie to the Sessions Court.

In view of the circumstance, the proceeding is disposed of as not tenable with the liberty to take proper steps.

( **T.V. NALAWADE, J.** )