

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

CRIMINAL APPEAL NO. 17 OF 2016

Subhash S/o Shivram Tuvar	..	Appellant
Versus		
The State of Maharashtra & Ors.	..	Respondents

.....
Mr N. B. Narwade, Advocate for the appellant
Mr P. N. Kutti, APP for respondent/State
.....

ALONG WITH
CRIMINAL APPEAL NO. 659 OF 2016

Uttam S/o Ratnakar Gaikwad	..	Appellant
Versus		
Vikas S/o Aba Lotke & Ors.	..	Respondents

.....
Mr N. N. Shinde, Advocate for the appellant
.....

CRIMINAL APPEAL NO. 439 OF 2016

Shobhabai W/o Mohan Khunewad	..	Appellant
Versus		
Sailu S/o Lachmgound Natewad & Ors.	..	Respondents

.....
Mr V. D. Gunale, Advocate for the appellant
.....

**CORAM : VL. ACHLIYA, J.
DATED : 24.02.2017.**

PER COURT :

. Registrar (Judicial) has placed these matters seeking appropriate directions in view of the decision rendered by the Hon'ble Apex Court in the case of Satya Pal Singh Vs. State of Madhya Pradesh and others reported in (2015) 15 SCC 613.

2. These appeals are preferred by the victim against the Judgment & Order of the acquittal passed by the Sessions Court. The appeals were filed without seeking leave to file appeal. As per the law laid down by this Court in the case of Balram Khade Vs. State of Mah. (Criminal Appeal No. 991 of 2001 and Criminal Appeal No. 854 of 2011) that, in an appeal filed u/s 372 of Cr.P.C. by the victim, no prior leave to file appeal is required. the appeals were filed & registered. Now in view of the decision in Satya Pal Singh (supra), the decision in the case of Balram Khade stands overruled.

3. The appeals are yet to be admitted. In view of decision in the case of Satya Pal Singh (supra), the applicants have filed separate applications seeking leave to file appeal in pending proceedings. Unless the leave to file an appeal is granted the appeal cannot be registered.

4. In view of above, the Registry is directed to de-register the appeals which were registered without leave to file appeal.

5. Stand over to 03.03.2017.

[V. L. ACHLIYA]
JUDGE