

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Application (APPA) NO.140/2017 In Criminal Appeal No. ____/2017

Narendra s/o Deodatta Thombre ..vs.. State of Maharashtra, thr. Its PSO P.S.
 Ambazari, Nagpur and anr.

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.

Court's or Judge's orders.

Mr. N. S. Khandewale, Advocate for applicant.
 Mr. M. J. Khan, A.P.P. for non applicant-State.

CORAM : B. P. DHARMADHIKARI AND
V.M. DESHPANDE, JJ.

DATED : APRIL 24, 2017

Heard learned counsel for the parties.

In the present appeal, leave is sought for by the
 present applicant for enhancement of the sentence.

The non applicant no.2 herein is convicted by the
 learned Additional Sessions Judge, Nagpur in Sessions Trial
 No. 242/2012 for an offence punishable under Section 307 of
 the Indian Penal Code and is directed to suffer rigorous
 imprisonment for seven years.

The learned counsel for the applicant submits that
 in view of the proviso to Section 372 of the Code of Criminal
 Procedure, the victim is also entitled to file an appeal for
 enhancement of sentence. Bare reading of the said proviso
 clearly shows that such a right is not envisaged.

In that view of the matter, leave to file appeal is
 refused. Consequently, the appeal is also dismissed.

JUDGE

JUDGE