

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application 595 of 2016
in
Criminal Appeal 210 of 2016

(Subhash s/o. Gulab jadhav..Vs.. State of Maharashtra, thr PSO Pusad Rural, District
Yavatmal & ors)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. K.S. Narwade, counsel for appellant.
Mr. N.B. Jawade, APP for respondent 1.

CORAM : ROHIT B. DEO, J.

DATE : 31.08.2017.

Heard.

Leave under section 378(4) of the
Criminal Procedure Code is sought to
challenge the judgment and order of the
Additional Sessions Judge in Criminal Appeal
19 of 2012, by and under which the learned
Sessions Judge was pleased to maintain the
conviction recorded by the Judicial Magistrate
First Class, Pusad, in Regular Criminal Case
199 of 2005 and alter the sentence to TRC
(Till Rising of Court).

Incident has occurred before the amendment to section 372 of the Criminal Procedure Code. The victim has not been granted a right to challenge the modification of sentence.

The learned APP appearing for respondent 1 invites my attention to the judgment of the Hon'ble Supreme Court in **National Commission for Woman Vs. State of Delhi, 1991 Cr.L.J. 962** to contend that the application seeking leave is not maintainable.

The learned counsel for the appellant Shri. Narwade fairly does not dispute that the controversy is covered by the aforesaid judgment of the Hon'ble Supreme Court. He however, submits that liberty be reserved for the applicant / appellant to prefer a revision or institute any other proceeding as may be advised.

Needless to say, it is always open for the applicant / appellant to take recourse to such proceeding or avail such remedy as is

available under the law. It is further needless to mention, that the pendency of this application shall undoubtedly be considered by the forum before which the applicant / appellant moves or institute appropriate proceeding if issue of limitation is raised. The Criminal Application 595 of 2016 and Criminal Appeal 210 of 2016 are disposed of as not maintainable.

JUDGE

Belkhede