

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

CRIMINAL APPLICATION [APPA] NO.799 OF 2016

[Purushottam Pyarelal Verma .vs. The State of Maharashtra and others]

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

Court's or Judge's orders

CORAM : KUM. INDIRA JAIN, J.

DATED : APRIL 03, 2017.

Heard Shri P.K. Sathianathan, learned counsel for applicant and Ms. T.H. Udeshi, learned Additional Public Prosecutor for respondent no.1-State. None for respondent nos.2 to 4 though served.

Learned counsel for applicant relied upon the decision of this court in Sushama Sushilkumar Dalmia .vs. State of Maharashtra and others, (2015 (4) Bom.C.R. (Cri) 188) and submitted that no leave to appeal is required by the victim of the crime and appeal deserves to be admitted.

Applicant is the father of deceased Savitri, who was married to respondent no.2 in the year 2008. After six years of marriage, she died at the house of accused. Her death was found unnatural. Complaint alleging offences under Sections 306, 498-A r/w 34 of Indian Penal Code was lodged. Respondent nos.2 to 4 went to trial and trial court for want of evidence found the accused not guilty of the offences and acquitted them. Being aggrieved, the father of deceased had filed application for leave

to file appeal against acquittal.

For the reasons stated by this court in the judgment relied upon by the learned counsel for applicant, leave to appeal as contemplated under Section 378 of Cr.P.C. is not required as the right of victim is taken at par with that of the accused and appeal is preferred by the victim under proviso to section 372 of Cr.P.C.

In that view of the matter, **appeal is admitted.** Call R & P. Action under Section 390 of Cr.P.C.

JUDGE

Gulande