

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 408 OF 2000

Vandana Chandrakant Patil Appellant

Vs.

The State of Maharashtra Respondent

Ms.Madhavi Tavanandi, Advocate for the Appellant.
Ms. Anamika Malhotra, APP for the State.

Coram : SARANG V. KOTWAL, J.
Date : 17th March, 2018

P.C.:

1 This appeal is preferred against the judgement and order dated 30th May, 2000 passed by 6th Additional Sessions Judge, Kolhapur in Criminal Appeal No. 76 of 1999, wherein the order of conviction and sentence against the appellant passed by the learned Judicial Magistrate First Class, Court No.1, Kolhapur in Regular Criminal Case No. 151 of 1997 was confirmed. The appellant was convicted by the learned J.M.F.C. under Section 381 read with 34 of

Indian Penal Code and was sentenced to suffer S.I. for 3 months and to pay a fine of Rs.200/- each, in default to suffer S.I. for 7 days.

2 The present appeal is preferred before this Court challenging the Appellate Court's order. Section 372 of Code of Criminal Procedure, 1973 provides that “No appeal can lie from any judgment and or order of a Criminal Court except as provided for by Cr.P.C. or by any other law for the time-being in force”. The provision of appeals from conviction is provided under Section 374 of Cr.P.C.. The present appeal by the appellant does not fall in any of the categories provided under Section 374 and considering the bar under Section 372 of Cr.P.C., the present appeal is not maintainable.

3 However, the present appeal was entertained by this Court at the stage of admission and the appeal was admitted on 28th October 2000. Thus the present appeal is pending before this court for about 18 years. The appellant is enlarged on bail during the pendency of this appeal. Therefore, in my view, in the interest of

justice, the appellant deserves another chance to pursue the remedies available in law. Therefore, I grant liberty to the appellant to prefer appropriate proceedings if permissible in law. Since the appeal is pending for about 18 years and the appellant is on bail for 18 years, the bail granted to the appellant during the pendency of the appeal is extended for a further period of three months from today. The appellant is at liberty to take such appropriate steps pursuant to the appropriate remedy as is available in law.

4 With the aforesaid liberty, the appeal is disposed of.

(*SARANG V. KOTWAL*, J.)