

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

CRIMINAL APPLICATION (APPA) NO. 844/2017

IN
CRIMINAL APPEAL NO. _____/2017

Ramesh S/o Mukundrao Mahanubhav

..VS..

State of Maharashtra & ors.

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

Court's or Judge's orders

Shri V.U. Waghmare, Adv h/f Shri A. Deshpande, Adv for the applicant
Shri T.A. Mirza, APP for the non-applicant/respondent no. 1
Shri A.D. Bhate, Advocate for the non-applicant/respondent nos. 2 to 5

CORAM : Z.A.HAQ, J.

DATED : 02/11/2018

The judgment passed by the Sessions Court acquitting the accused of the charges of commission of the offences punishable under Section 498A, Section 306 r/w Section 34 of the Indian Penal Code is challenged under the proviso below Section 372 of the Code of Criminal Procedure. There is prayer for grant of leave to file appeal. Though the learned advocate for the applicant/appellant has not pointed out, the learned APP and the learned advocate for the respondent nos. 2 to 5 have fairly pointed out that as per the judgment given by the Hon'ble Supreme Court in Criminal Appeal Nos. 1281/2018 and 1282/2018 (Mallikarjun Kodagali (Dead) Through Legal representatives vs. State of Karnataka & ors.) on 12/10/2018, this appeal would lie as of right and there is no need for the applicant/appellant to seek leave.

Accepting the above submission and considering the proposition laid down in the case of Mallikarjun Kodagali (supra), it is recorded that the prayer for grant of leave to file appeal is rendered otiose, and hence no orders are required on it.

Criminal Application (APPA) No. 844/2017 is **disposed** accordingly.

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Taken up for further consideration/hearing.

Issue notice to the respondents, returnable on 19/12/2018.

Shri T.A. Mirza, learned APP waives notice for the respondent no. 1 and Shri A.D. Bhate, Advocate waives notice for the respondent nos. 2 to 5.

Call R. & P.

JUDGE

Ansari