

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 50 OF 2019

IN

STAMP NUMBER MAIN NO. 37 OF 2019

VISHNU GAONKAR.,

... Applicant

Versus

ACHUT GAONKAR AND ANR.,

... Respondents

Shri A.D. Bhobe, Advocate for the applicant.

Shri Amey Prabhudessai, Advocate for the respondents.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 8th April 2019

P.C.:

Heard Shri A.D. Bhobe, learned Advocate for the applicant and Shri Amey Prabhudessai, Advocate for the respondents.

2. Shri A.D. Bhobe, learned Advocate invited attention to the proviso to Section 372 CrPC which clearly provides for a right in the victim to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing adequate compensation as the case may be. In the instant case it is his contention that the learned Sessions Court, Margao has acquitted the accused of the offence punishable under Section 302 IPC apart from Sections 3 and 25 of the Arms Act.

3. Considering the very provision of law which entitles a victim to have a right to prefer an appeal against an order of acquittal passed by the subordinate Court, the present application is allowed.
4. Registry to register the appeal.
5. The learned Sessions Court to comply with the predicates of Section 390 CrPC.
6. The application stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

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