

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 193 OF 2017**

Victor Francis Fernandes .....Applicant  
Vs.  
State of Maharashtra & Ors. ....Respondents.

**WITH****CRIMINAL APPLICATION NO. 414 OF 2017****IN****CRIMINAL APPLICATION NO. 193 OF 2017**

Victor Francis Fernandes .....Applicant  
Vs.  
State of Maharashtra & Ors. ....Respondents.

Mr. J.S. Kini I/by Mr. Suresh Dubey for the Applicant.  
Ms. M.H. Mhatre, APP for the Respondent-State.

**CORAM : A. S. OKA, AND  
A. S. GADKARI, JJ.  
DATE : 4<sup>th</sup> JANUARY, 2019.**

**P.C.:-**

Initially, the Criminal Application No. 193 of 2017 was filed as a Criminal Appeal against the Judgment and Order dated 30<sup>th</sup> September 2015, passed by the Additional Sessions Judge, Greater Mumbai, which was an Order of acquittal.

2 Criminal Application No. 414 of 2017 shows that the Applicant is also challenging clause (4) of the operative part of the

impugned Judgment and Order by which, articles of gold were ordered to be forfeited to the State Government.

3           The learned counsel appearing for the Applicant, on instructions, states that the Applicant does not desire to challenge the Order of acquittal and therefore, Appeal may be treated as the one confined to clause (4) of the operative part of the impugned Judgment and Order, which is maintainable under Section 454 of the Code of Criminal Procedure, 1973. We accept the said statement.

4           Accordingly, we grant permission to the Applicant to carry out the amendment to this Application for converting the same into an Appeal under Section 454 of the Code of Criminal Procedure, 1973.

5           We grant time of two weeks from the date on which this Order is uploaded, to carry out amendment. After amendment is carried out, the Application shall be numbered as an Appeal and shall be placed before the Appropriate Bench.

6           In view of this Order, Criminal Application No. 414 of 2017, does not survive and the same is disposed of.

**(A.S. GADKARI, J.)**

**(A.S. OKA, J.)**