

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 160 OF 2016

Ranjana Babaji Bhosale.

..Applicant.

V/s.

Bhausahab Bhaguji Nikam and anr.

..Respondents.

Mr. Parshuram Khankar, advocate for applicant.

Mr. Kartik S. Garg, advocate for respondent No. 1.

Mr. Y.M. Nakhwa, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : FEBRUARY 21, 2019.

P. C. :

1 Learned Counsel for the respondent has submitted that in fact, the application seeking leave to appeal would not be maintainable under section 378 of the Code of Criminal Procedure, 1973 and would have to be filed under section 372 of the Code of Criminal Procedure, 1973 before the District Court. The learned Counsel for the applicant has fairly admitted the provisions of law and submitted that he would withdraw the present application with liberty to file appeal before the appropriate forum as contemplated under section 372 of the Code of Criminal Procedure, 1973. Liberty as prayed for is granted in the interest of justice. The application stands dismissed as withdrawn.

2 The learned District Court while considering the application

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seeking condonation of delay shall take into consideration the time spent in prosecution the present application from June, 2016. The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]