

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

CRIMINAL APPLICATION (APPA) NO. 942 OF 2017
(Satish Shivba Raut vs. State of Maharashtra and others)

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

Shri C.A. Babrekar, Advocate for applicant.
Shri S.J. Kadu, Additional Public Prosecutor for
respondent no.1.
Shri N.R. Tekade, Advocate for respondent nos.2 to 7.

CORAM : P.N. DESHMUKH AND
 ROHIT B. DEO, JJ.

DATED : JANUARY 04, 2019

Shri Babrekar, learned Counsel for applicant/appellant, submits that this application is filed by the victim for grant of leave to file appeal, however, has wrongly referred as application under Section 378(3) of the Code of Criminal Procedure. It is submitted that leave was thus sought to effect amendment to the application to refer it as application under Section 372 of the Code of Criminal Procedure.

According to learned Counsel, pending this application, Hon'ble Apex Court in its judgment passed in the case of **Mallikarjun Kodagali (dead) represented through legal representatives vs. State of Karnataka and others** (Criminal Appeal Nos.1281 and 1282 of 2018) has held that when appeal against acquittal is preferred by victim, no leave is required to be sought for.

In view of law as relied upon, learned Counsel for applicant prays that this application be

disposed of as infructuous and appeal be admitted.

We have perused the aforesaid judgment of the Hon'ble Apex Court. In view of law laid down in the aforesaid judgment of Hon'ble Apex Court, the application is disposed of being infructuous as applicant being victim has right to file appeal against acquittal, without seeking leave to file appeal.

Office to register appeal.

Heard learned Counsel for the parties.

Admit.

Shri Kadu, learned Additional Public Prosecutor waives notice for respondent no.1. Shri Tekade, learned Counsel waives notice for respondent nos.2 to 7.

Call R & P.

JUDGE

JUDGE

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