

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1202 OF 2017
IN
CRIMINAL APPEAL NO.522 OF 2016

MAROTI BABAN PATHADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.S.D.Ghayal, APP for respondent No.1.
Mrs.P.J.Bharad, Advocate for respondent Nos.2, 4 to 7.

(**CORAM : RAVINDRA V. GHUGE AND
B.U.DEBADWAR, JJ.)**

DATE : 20/10/2020

PER COURT :

1. None present for the appellant. We have heard the learned APP on behalf of respondent No.1 and Mrs.Bharad on behalf of respondent Nos.2, 4 to 7, who have strenuously opposed this application and pray that the same be rejected with costs.

2. We have considered the view of the Hon'ble Apex Court in the matter of **Satyapalsingh Vs. State of Madhya Pradesh and others [2015 AIR Supreme Court Weekly 6251]**, wherein it has been held that the original complainant (victim) has the right to prefer an appeal against acquittal of an accused.

3. The said applicant has already preferred an appeal. So also, the convict Aatmaram Dyanba Pathare and another have also preferred Appeal No.522/2016, which is ready for final hearing.

4. In view of the above, the criminal application is allowed. The appeal tendered by the applicant Maroti Baban, be registered . Issue notice for final hearing to the respondents in the Appeal filed by the State, returnable on 07/12/2020. The respective advocates appearing for the parties in this application, waive service on their behalf in the appeal.

5. Criminal Appeal No.522/2016 be listed for final hearing on 07/12/2020.

(B.U.DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)