

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 CRIMINAL APPLICATION NO.6194 OF 2017

SANGITA W/O. DILIP LAMKHEDE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Mr.U.S. Mote h/f. Mr.K.N.Shermale, Advocate for
the applicant

Mr.K.S. Patil, APP for the respondent/State.

Mr.R.A. Tambe, Advocate for respondent nos.2 to 4

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CORAM : V.K. JADHAV
AND
SHRIKANT D. KULKARNI, JJ.

DATE : 9th SEPTEMBER, 2021

PER COURT :-

. We have heard Mr.U.S. Mote, Advocate holding for Mr.K.N.Shermale, learned counsel for the applicant, learned counsel Mr.Tambe for the respondents – accused and learned APP for the respondent – State.

2. In terms of proviso to Section 372 of Criminal Procedure Code, the victim has preferred the appeal against the acquittal.

3. In terms of ratio laid down by the Hon'ble Apex Court in the case of *Mallikarjun Kodagali (dead) through L.Rs. Vs. State of Karnataka* reported in *AIR 2019 SC (Cri.) 195*, if

the appeal preferred by the victim in terms of provisions of Section 372 against the acquittal, leave of this Court to file appeal against such acquittal, is not necessary.

4. In view of this, we direct the office to register the appeal and place before us for hearing on 30.09.2021.

(SHRIKANT D. KULKARNI, J.) (V.K. JADHAV, J.)