

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CRIMINAL APPLICATION NO.6583 OF 2017

SHARADA DILIP PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr D.M. Pingale (Absent)
APP for Respondent No.1-State : Mr Shashibhushan P. Deshmukh

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

DATE : 22nd OCTOBER, 2021

PER COURT :

1. None present for the applicant. Heard the learned A.P.P. for the State/Respondent No.1.
2. The notice is not issued since the spare copy is not provided. However, in terms of proviso to section 372 of Cr.P.C., the victim has preferred an appeal against the acquittal. The present application is filed for condonation of delay caused in filing the application seeking leave to file an appeal against the acquittal.
3. In terms of the ratio laid down by the Supreme Court in a case of ***Mallikarjun Kodagali (Dead) represented through Legal Representatives Vs. State of Karnataka and others*** reported in **(2019) 2 SCC 752**, the application to seek leave is not required if the appeal is preferred by the victim against an acquittal in terms of proviso to section 372 of Cr.P.C. Thus, the criminal application bearing No. 6583 of 2017 seeking condonation of delay is disposed of as not necessary and unwarranted.

4. The application seeking leave is also not required and the same is also filed.

5. List the Criminal Appeal for hearing on 29.11.2021.

[SHRIKANT D. KULKARNI, J.]

[V.K. JADHAV, J.]

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