

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.643 OF 2016**

Vitthal Laxman Nate	]	..	Applicant
V/s.			
Ravindra Shivram Nate & Anr.	]	..	Respondents

None for the Applicant.
Ms.P.P. Shinde, APP for the State.

CORAM : N.R.BORKAR, J.

DATE : 9th APRIL, 2021.

P.C.:

1] This Revision Application takes an exception to an order dated 29th September, 2016 passed by the learned District Judge -1, Khed.

2] The Applicant herein had filed complaint case against the respondent No.1 and one more accused Shivram Nate for the offences punishable under Sections 465, 467, 471, 474 read with 34 of the Indian Penal Code. The said case came to be registered as RCC No.59/2002. The learned trial Court acquitted the Respondent No.1 in the said complaint case by order dated 11th April, 2012.

3] Against the said Judgment of acquittal, applicant herein had filed appeal before the Sessions Court.

4] As there was delay in filing the said Appeal, application for condonation of delay was taken out.

5] The Sessions Court rejected the application for condonation of delay on the ground that Appeal itself is not maintainable. According to Sessions Court the applicant ought to have filed appeal before this Court under Section 378(4) of the Cr.P.C.

6] The Sessions Court while rejecting the application for condonation of delay has relied upon the Judgment of this Court reported in **2014 ALL MR (Cri) 680 in the case of Ganesh Badgujar vs. Mangalabai Patel.**

7] Admittedly, the Applicant had filed appeal before the Sessions Court against the order of acquittal in complaint case. This Court in the aforesaid Judgment has held that the complainant, in a private complaint, who already has a right to file an appeal under section 378(4) of the Cr.P.C. Cannot by claiming to be a victim, file an appeal by virtue of the proviso to Section 372 of the Cr.P.C. No different view of the matter can be taken.

8] In view of above, no fault can be found with the order impugned.
In the result, Revision Application is dismissed.

(N.R.BORKAR,J.)