

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

CRIMINAL APPEAL NO. 167/2020

Khemraj M. Harinkhede
..VS..
State & ors.

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

Court's or Judge's orders

Shri T.A. Mirza, APP for the respondent no. 1

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : 19/01/2021

1] None appeared for the appellant on
13/01/2021, 18/01/2021 and also today.

2] Heard Shri T.A. Mirza, learned APP for the
respondent no. 1 – State.

3] This appeal is filed under Section 372 of the
Code of Criminal Procedure praying that the judgment passed
by the Sessions Court acquitting the respondent nos. 2 and 3
– accused of the charges of commission of the offences
punishable under Sections 302, 201 and 34 of the Indian
Penal Code be set aside and the respondent nos. 2 and 3 –
accused be convicted.

4] Learned APP raised objection to the
maintainability of the appeal under Section 372 of the Code
of Criminal Procedure, and urged that there is nothing on
record to show that the appellant falls in the category of

“victim” as defined by Section 2(wa) of the Code of Criminal Procedure.

5] On going through the memorandum of appeal, we find that the objection raised on behalf of the respondent no. 1 – State is justified. As we find that the appellant has failed to point out that he falls in the category of “victim” as defined by Section 2(wa) of the Code of Criminal Procedure, the criminal appeal is **dismissed**.

6] It would be open for the appellant to avail appropriate remedy as per law. This order will not come in the way of any other person in filing the appeal under Section 372 of the Code of Criminal Procedure also if it is pointed out that he has locus to maintain the appeal under Section 372 of the Code of Criminal Procedure.

JUDGE

JUDGE