

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 160 OF 2022

SUNIL CHUDAMAN PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Deshmukh Ravindra M.

APP for Respondent/State : Mr. S. P. Tiwari

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CORAM : KISHORE C. SANT, J.

DATE : 14th SEPTEMBER 2022.

Per Court :

1. The Office of this Court has raised an objection that there is a remedy available of filing an appeal before the learned Sessions Court. The learned APP on the last occasion also pointed out that there is a remedy of filing appeal available to the Revisional Applicant, since it comes under the definition of victim as defined under Section 2(wa) of the Code of Criminal Procedure, 1973 (Cr.P.C. for short). The parties were directed to check the position and to address this Court.
2. Today, two judgments are pointed out by the learned Advocate for

the Applicant. The first judgment is delivered in the case of **Mallikarjun Kodagali (Dead) through Lrs. Vs. State of Karnataka and Ors.**, reported in AIR 2018 Supreme Court 5206, in which it is held that the victim has right to file an Appeal.

. The second judgment is delivered in the case of **Ganesha Vs. Sharanappa and another**, reported in 2014(1) Mh.L.J. (Cri.) 199, in which it is pointed out that the power of this Court is limited while exercising the powers under Section 397 and Section 401 of the Cr.P.C., whereas the powers vested in the Court while exercising the jurisdiction in appeal are wider. He fairly accepts that the objection raised by the Office is rightly raised. He prays for withdrawal of the Criminal Revision Application with a view to file an appeal before the learned Sessions Court. Liberty to withdraw the Revision Application is granted. In appeal, the lower Court to consider the time that is consumed in the proceedings before this Court, while considering the application for condonation of delay.

3. The Criminal Revision Application is disposed of accordingly.

[KISHORE C. SANT, J.]

Najeeb.