

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CRIMINAL APPEAL NO.1030 OF 2019

SANJAY DASHRATH GAGRE

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Mr. A.P. Bhandari, Advocate for the appellant

Mr. S.P. Sonpawale, APP for the respondent No.1

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 10th JUNE, 2022

PER COURT :

1 Heard learned Advocate appearing for the appellant. The appellant-victim intends to challenge the acquittal of the respondent No.2 for the offence punishable under Section 304-A, 279 of the Indian Penal Code, 1860 and under Section 184, 134(a)(b)/177 of the Motor Vehicles Act, 1988 vide Section 255(1) of the Code of Criminal Procedure, 1973 by learned Judicial Magistrate First Class, Newasa (Court No.2) on 02.08.2019. The present appeal has been filed under Section 372 of the Code of Criminal Procedure, 1973, however, the proviso to Section 372 of the Code of Criminal Procedure provides – that the victim shall have a right to prefer an appeal

against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, **and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court.** Taking into consideration the offences under which the trial was conducted against the respondent No.2 the appeal will lie before the Sessions Court under Section 372 of the Code of Criminal Procedure. Therefore, this appeal stands disposed of with liberty to the appellant to approach before appropriate Court.

(Smt. Vibha Kankanwadi, J.)

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