

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 935 OF 2021

Suvarna Dattaji Dorugade ...Appellant
Versus
The State Of Maharashtra And Ors. ...Respondents

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Mr. Mahesh H. Chandanshiv, Advocate for the Applicant/
Appellant

Mr. Arfan Sait, APP for the Respondent – State.

Ms. Suvarna Dattaji Dorugade, Appellant Present in Court.

Mr. Shirke (PSI), Antop Hill Police Station, Present.

CORAM : **PRAKASH D. NAIK, J.**
DATE : **1st MARCH, 2022.**

PER COURT:

1. This appeal has been preferred by the original complainant in accordance with Section 372 of Code of Criminal Procedure challenging the judgment and order dated 20th January, 2020, wherein the respondent Nos. 2 to 4 were acquitted. The Respondent Nos. 2 & 3 have expired. The acquittal was for offences punishable under Sections 420, 387 & 506(2) r/w Section 34 of Indian Penal Code.

2. By order dated 15th February, 2022 this Court had directed Registry to verify whether this appeal would lie before this Court or Court of Sessions.

3. The report is received from the Registry stating that, in view of Section 372 of Code of Criminal Procedure, the victim shall have right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lessor offence or imposing inadequate compensation of such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court. Hence, the appeal would lie before the Sessions Court.

4. In view of the above this appeal stands disposed of with liberty to the applicant/complainant to prefer appeal challenging impugned judgment before the Court of Sessions in accordance with Section 372 of Code of Criminal Procedure. In the event, issue relating to delay in preferring such appeal arises the concerned Court shall take note of the fact that the appellant had preferred an appeal before this Court.

5. Criminal Appeal Stands disposed of accordingly.

(PRAKASH D. NAIK, J.)