

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

CRIMINAL WRIT PETITION NO. 397 OF 2021

**ANJALI W/O. DEVIDAS SUSE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

. . .
Advocate for Petitioner : Mr. Nanabhau R. Thorat
APP for Respondent Nos. 1 to 5 : Mr. R. V. Dasalkar
. . .

**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 27 MARCH 2023

PER COURT :

. The original informant on the basis of whose complaint the FIR and the crime was registered for the offences punishable under sections 498-A, 323, 504 and 506 read with 34 of Indian Penal Code, is putting up several grievances as to the manner in which the trial was conducted and is claiming compensation as well as setting up an enquiry.

2. The learned advocate for the petitioner adverted our attention to the order passed by the trial court on 08.09.2020 whereby the learned Magistrate for the detailed reasons issued directions to set the record of the trial court straight.

3. We have heard the learned advocate for the petitioner as also the learned APP.

4. It appears that the petitioner has been aggrieved by the incorrect recording of the testimonies and several inconsistencies which according to her had happened due to the accused persons being hand in gloves with the court staff.

5. Admittedly, the trial court has decided the criminal case, which resulted in acquittal and the petitioner has preferred an appeal against acquittal.

6. We may point out that the petitioner had preferred an application under section 340 of the Code of Criminal Procedure (Cr.P.C.) before the trial court. The application was rejected by the speaking order dated 12.02.2020. The order is appealable by virtue of the provisions of section 341 of Cr.P.C.

7. Irrespective of the fact regarding veracity or otherwise of the allegations, when admittedly, all the issues being raised by the petitioner are already before the court of law in the form of an appeal against acquittal and when even the order passed on her application under section 340 of the Cr.P.C.

is susceptible to a challenge, in our considered view, the self same issues cannot be gone into in this parallel proceeding.

8. The writ petition is disposed of.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)