

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL REVISION APPLICATION (ST) NO.657 OF 2016
WITH
CRIMINAL APPLICATION NO.660 OF 2016
IN
CRIMINAL REVISION APPLICATION (ST) NO.657 OF 2016**

Harshad Pranshankar Vyas

.... Applicant

versus

Shabbir Shaikh & Anr.

.... Respondents

.....

- Mr. Mandar P. Patil, Advocate for Applicant.
- Ms. Pooja Satpute i/b. Tushar N. Sonawane, Advocate for Respondent No.2.
- Ms. M. R. Tidke, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th JULY, 2023

P.C. :

1. In this Revision Application, there is an application for condonation of delay. The Revision Application is filed challenging the Judgment and Order of acquittal dated 15/05/2015 passed by the learned Judicial Magistrate First Class, Vashi. The Applicant had preferred Criminal Application No.478 of 2015 for condonation of delay in filing application for leave to file Appeal against the acquittal before this Court. This

Court vide (Coram : A. R. Joshi, J.) vide order dated 15/09/2015 condoned the delay, but leave was not granted and the application for leave to file was dismissed and disposed of. After this order was passed on 15/09/2015 the present Revision Application was filed. Though, the Applicant has not annexed copy of the order passed by this Court on 15/09/2015 a print out is taken from the website and it is kept on the record of this application.

2. In fact, against the order of acquittal passed in a trial initiated on a private complaint, the correct remedy was to file an Appeal u/s 378(4) of Cr.P.C. That remedy was exhausted by the Applicant. The leave was not granted and as far as this Court is concerned, the issue was over. In spite of that, the Applicant chose to file the present Revision Application. This Revision Application therefore is not maintainable and there is no question of entertaining it. Hence, the Revision Application along with the application for condonation of delay are dismissed as 'not maintainable'.

(SARANG V. KOTWAL, J.)