

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 101 OF 2005

Jayram Narayan Bagal

...Applicant

vs.

The State of Maharashtra and Ors.

...Respondents

Mr.Umesh Mankapure a/w Ms.Bhavika Shinde – Advocate for Applicant.

Mr.H.J.Dedhia – APP for Respondent No.1 – State.

Ms.Shraddha Pawar i/b. Mr.Dilip Bodake – Advocate for Respondent No.3.

CORAM : S. M. MODAK, J.

DATE : 12th FEBRUARY 2024

P. C. :-

1. Heard learned Advocate Shri.Mankapure for the First-Informant, learned APP and learned Advocate for Respondent-Accused.
2. It is true that the Court of Ad-hoc Additional Sessions Judge – Pandharpur as per the judgment dated 2nd December, 2004 has acquitted three Accused for the offences punishable under Sections 302, 323 read with 34 of Indian Penal Code, 1860 [“IPC”]. This judgment is challenged by the State by way of Criminal Appeal.
3. Initially, leave was sought by way of Criminal Application No.3181 of 2005. However, a Division Bench as per the order dated 8th

September, 2006 was pleased not to interfere and the leave was rejected. Copy is annexed.

4. It is true that earlier to the amendment by way of Proviso to Section 372 of the Code of Criminal Procedure, 1973 [“Cr.P.C.”], there was no provision for preferring an Appeal by the victim. Accordingly, at that time, the First-Informant has filed this Revision Application. It is true that there are limitations on the powers of a Revisional Court when the judgment of acquittal is challenged. The judgment of acquittal cannot be converted into a judgment of conviction. At the most, the matter can be remanded.

5. However, when Division Bench has already refused leave, I do not find any reason that even the matter can be remanded on the basis of the Revision filed by the First-Informant. Hence, this Revision is dismissed.

6. In fact, either the State or the Accused ought to have pointed out to the Division Bench about pendency of this Revision Application. It is but natural for the First-Informant not to be aware of the Appeal as he was not party to it. The fact remains that leave is refused.

[S. M. MODAK, J.]