

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION IN REVISION NO. 595 OF 2017
IN
CRIMINAL REVISION APPLICATION (ST) NO. 655 OF 2017

Surgonda Kalgonda Patil ...Applicant

vs.

The State of Maharashtra and Ors. ...Respondents

Mr.P.Jadhav i/b. Ms.Anusha P. Amin – Advocate for Applicant.

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

CORAM : S. M. MODAK, J.

DATE : 12th FEBRUARY 2024

P. C. :-

1. Heard learned Advocate for the Applicant – Complainant in a case instituted otherwise than on Police report and learned APP.
2. The Court of Chief Judicial Magistrate – Sangli as per the judgment dated 28th July, 2017 has acquitted three Accused for the offences punishable under Sections 466, 467, 471 read with 34 of Indian Penal Code, 1860 [“IPC”]. The present Applicant was Complainant therein. (Page No.66). The Complainant was desirous of challenging the correctness of the said judgment.
3. There was a delay of 19 days and that is why, Delay Condonation

Application No.595 of 2017 was moved. Even, no first order of issue notice was passed for various reasons. Now, the matter is listed by the Office.

4. During hearing, it was noticed that the judgment of acquittal passed by the Court of JMFC cannot be challenged by way of Revision by the private Complainant. In fact, he ought to have preferred an Appeal after taking leave as contemplated under Section 378(4) of the Code of Criminal Procedure, 1973 [“Cr.P.C.”].

5. Liberty is sought to convert this Revision into an Appeal.

6. This could have been considered if this prayer could have been made within a reasonable time. So, I am not inclined to grant permission to convert Revision into an Appeal. Hence, order :-

ORDER

- (i) Delay Condonation Application is disposed of.
- (ii) Revision does not survive.
- (iii) The Applicant is at liberty to file Criminal Appeal by making necessary Application for delay condonation. It will be considered on merits.

[S. M. MODAK, J.]