



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.1057 OF 2023
IN
CRIMINAL APPEAL STAMP NO.7113 OF 2023

Dineshchandra Dharmvir Sadhankar
Vs.
Raju Kasturmal Jora

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. A. Dhawas, Counsel for the applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/08/2025

1. Appeal against acquittal along with leave to file an appeal.
2. Learned Counsel for the applicant placed reliance on the decision of **M/s. Celestium Financial Vs. A. Gnanasekaran etc.** reported in **2025 LiveLaw SC 666** wherein the Hon'ble Apex Court has considered that "the proviso to Section 372 of the CrPC was inserted in the statute book only with effect from 31.12.2009. The object and reason for such insertion must be realised and must be given its full effect to by a court. In view of the aforesaid discussion, we hold that the victim of an offence has the right to prefer an appeal under the proviso to Section 372 of the CrPC, irrespective of whether he is a complainant or not. Even if the victim of an offence

is a complainant, he can still proceed under the proviso to Section 372 and need not advert to sub-section (4) of Section 378 of the CrPC.” With this observation, the Hon’ble Apex Court directed the appellant therein to file appeal before the Sessions Court within a period of four months and also observed that the issue of limitation may not be raised by the respondents herein or by the appellate court.

3. In view of the above observation, on the similar line, the directions can be given that the liberty is granted to the appellant to file an appeal before the Sessions Court within a period of one month and the issue of limitation may not be raised either by respondent or by the appellate Court. As such, the application is disposed of.

(URMILA JOSHI-PHALKE, J.)