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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION IN (ALP) NO. 818 OF 2019
IN
CRIMINAL APPLICATION (ST) NO. 246 OF 2019**

Pratik Pravesh Gupta

....Applicant

vs.

Babulal Somnath Gupta and Others

... Respondents

Mr. Anay Joshi a/w. Mr. Digvijay S. Kachare i/b. Mr. Kuldeep Patil for the Applicant.

Ms. Shilpa G. Talhar, APP for the State.

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CORAM : GAURI GODSE, J.

DATED : 6th FEBRUARY 2026

ORDER:

1. This application is for condonation of delay in filing an appeal under Section 378(4) of the Criminal Procedure Code (Cr.PC) to challenge the order passed by the Sessions Court acquitting respondents of the offence punishable under Section 498-A and 306 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the

applicant is brother of the deceased. Hence, he would fall under the definition of “victim” and would be entitled to file appeal in view of the proviso to Section 372 of the Cr.PC. To support his submissions that the brother of the deceased would fall under the definition of victim he relies upon the decision of the Apex Court in the case of ***Naval Kishore Mishra vs. State of Uttar Pradesh and Others***¹ and the decision of this court in the case of ***Ganesh Shamshunder Akula vs. State of Maharashtra and Others***². Learned counsel for the applicant therefore seeks leave to convert this application into appeal under Section 372.

3. In view of the well settled legal principles relied upon by the learned counsel for the applicant and in view of the decision of the Apex Court in the case of ***M/s. Celestium Financial Versus. A. Gnanasekaran***³, the applicant would be entitled to file appeal under the proviso to Section 372 of the Cr.PC. Hence, leave granted as prayed. Amendment to be carried out within three weeks.

1 (2019) 13 SCC 182
2 2025 SCC OnLine Bom 4801
3 2025 SCC OnLine SC 1320

4. After amendment is carried out, office shall convert the application for leave to file appeal along with the application for delay condonation into appeal under Section 372 of the Cr.PC.

(GAURI GODSE, J.)