

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.761 OF 2015**

The State of Maharashtra,  
Through the P.S.O. Police Station,  
Newasa, Tq-Newasa, Dist-Ahmednagar.

**...APPLICANTS**

**VERSUS**

Sanjay Hari Davkhar,  
R/o-Toka, Tq-Newasa,  
Dist-Ahmednagar  
and others.

**...RESPONDENTS**

...  
Mr.P.S. Patil A.P.P. for Applicant.

...

**CORAM: A.I.S. CHEEMA, J.**

**DATE : 26TH NOVEMBER, 2015**

**ORDER :**

1. Heard learned counsel for the Applicant  
State and perused record.

2. It appears that inspite of earlier

litigation going up to the Hon'ble Supreme Court, there was cause for filing of the complaint in view of interference in the possession of the complainant. Considered the reasons recorded by the trial Court. The trial Court discussed the evidence which showed that the accused were indeed present in the disputed Gut No.39 at the time of incident. The trial Court has, for the reasons recorded, acquitted the accused. Looking to the earlier round of litigation, and the incident claimed and the evidence which was brought, it is necessary to re-consider the evidence.

3. For the above reasons, Application is allowed. Leave is granted. Application be converted into Appeal.

4. Appeal is **Admitted**.

5. Paper Book be got prepared.

6. Action under Section 390 of the Code of Criminal Procedure be taken against the Respondent Nos.1 to 7 and 9 in the trial Court.

**[A.I.S. CHEEMA, J.]**

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