

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2470 OF 2014

Babu S/o Namdeo Sawase
died through LRs.

.. Applicant

Vs.

The State of Maharashtra and others

.. Respondents

Mr. A.V. Hon, Advocate for the applicant

Mr. S.R. Palnitkar, A.P.P. for the respondent-State

Mr. S.K. Doke, Advocate for respondent nos.2,4 and 5.

CORAM : M.T. JOSHI, J.

DATE : 27/03/2015

ORAL ORDER :

1. Upon hearing both sides, it appears that the learned Judicial Magistrate First Class, Paranda has taken a wrong view of the fact that the complainant has deposed that he was unaware of any of the incident that is concerning the alleged execution of the fictitious sale deed in his name by respondent no. 4, of which rest of the respondents were the attesting witness and the purchaser in whose favour the document was executed. There is arguable case on the basis of the comparison on thumb impression of the complainant as well as the respondents.

2. In that view of the matter, as arguable case has been made out, leave to file appeal is hereby granted. Criminal Application No. 2470 of 2014 is accordingly allowed and disposed of.

3. Appeal be registered according to the due procedure of law.

[M.T. JOSHI]
JUDGE

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