

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 179 OF 2014
[Mehboobkhan s/o Chotumkhan Pathan vs State of Mah. And ors.]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri A.D.Aghav, advocate for the applicant
Shri V.P.Kadam, A.P.P. for respondent/State
Shri S.S.Wagh, advocate for respondent no.2

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CORAM : V.M.DESHPANDE, J.

DATED : 13th February, 2015

PER COURT :-

- 1] Heard learned counsel for the parties.
- 2] Respondent no.2 was convicted by the learned Judicial Magistrate, First Class, Patoda on 17.1.2013 in Regular Criminal Case No. 101 of 1991 for the offence punishable under Section 418 of the Indian Penal Code. Learned Magistrate instead of sentencing him, released him on execution of bond of good behaviour under the relevant provisions of the Probation of Offenders Act for a period of two years.
- 3] The said order of holding him guilty was questioned by him by filing the appeal before the Sessions Court at Beed. The learned Sessions

Judge vide order, dated 23.6.2014 allowed the appeal and set aside the order of conviction. The afore said conviction was in a private complaint. The complainant is before this court since he felt aggrieved by the acquittal.

4] Though the present respondent no.1 was released only on the bond of good behaviour under the provisions of the Probation of Offenders Act, the said part of the order was not challenged by the present applicant.

5] After having gone through the impugned judgment, the view taken by the learned appellate court is not impermissible in view of the fact that the present applicant had filed civil suit against the vendor of the present respondent no.2 which was ultimately compromised. In that view of the matter, there is colour of civil litigation. That aspect was rightly considered by the learned lower appellate court while reaching to the conclusion that the complainant has utterly failed to prove the provisions of Section 418 of the Indian Penal Code.

6] Hence, present Revision is dismissed.

[V.M.DESHPANDE, J.]