

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4691 OF 2014

Smt. Lilabai Suresh Adhav,
Age-51 years, Occu:Household,
R/o-Shivaji Road, Kopargaon,
Tq-Kopargaon, Dist-Ahmednagar.

...APPLICANT

VERSUS

- 1) Smt. Parvatabai Vithal Adhav,
- 2) Smt. Ushabai Vithal Adhav,
- 3) Kalyani Vithal Adhav,
- 4) Deepak Arya,
- 5) The State of Maharashtra

...RESPONDENTS

...
Mr.D.N.Patil-Bankar Advocate for Applicant.
Mr.A.R. Borulkar, A.P.P. for Respondent No.5.

...

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

DATE : 26TH NOVEMBER, 2015

ORDER :

1. Heard learned counsel for the Applicant.

Perused record.

2. The Record and Proceedings show that there was evidence of complainant as well as one more witness Anil Janardhan recorded. However, Judgment of the trial Court does not show any discussion of the evidence recorded. The trial Court merely referred to the dispute which was pending in the Court and only one sentence is recorded that evidence is vague and offence is not proved beyond reasonable doubt. Looking to the cryptic Judgment, leave deserves to be granted.

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

4. Appeal is **Admitted**. The learned A.P.P. waives service of notice for Respondent No.5, after admission of the Appeal.

5. Paper Book be got prepared.

6. Action under Section 390 of the Code of Criminal Procedure be taken against Respondent Nos.1 to 4 in the trial Court.

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

asb/NOV15