

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 257 OF 2014

Sau. Sunanda w/o. Bhagwan Meshram**Applicant**

Versus

Vaishali Rajendra Bhadane and Anr.**Respondents.**

Mr. V.P. Golewar, Advocate for applicant.

Mr. B.K. Patil, Advocate for respondents.

CORAM : T.V. NALAWADE, J.

DATED : 24th June, 2015.

ORDER :

1. The petition is filed to challenge the judgment and order of SCC No. 7912/2004 and judgment and order of Criminal Appeal No 9/2011. The proceeding was pending before the learned Judicial Magistrate, First Class, Aurangabad and the appeal is decided by the Sessions Court. Both the sides are heard.

2. Private complaint was filed by the petitioner for offences punishable under sections 427, 426, 506, 504 and 34 of Indian Penal Code against the respondents. She has made allegations that the accused persons intentionally caused damage to the slab/ceiling of her flat which is the floor of the flat

of the accused persons. It is her case that due to this damage, the dirty water from the flat of the accused started entering in the flat of the complainant and due to that, her furniture and other articles were damaged. The J.M.F.C. recorded verification of the complainant and the order of issue process was made. Then the evidence came to be recorded. The J.M.F.C. acquitted the respondents by observing that intentional act is not proved and there is no independent corroboration to the grievance of the complainant. The Sessions Court has refused to interfere in the decision of the Trial Court for the same reasons.

3. It appears that there is dispute which is generally there between neighbours. The complainant has failed to show that some damage was caused much less intentional to the slab/ceiling of her flat. There are only her words and there is no independent corroboration. Thus, on merits there is no case with the petitioner.

4. The learned Additional Sessions Judge has observed that the appeal ought to have been filed in High Court in view of the provisions of section 378 of Cr.P.C. and so, it was not possible to interfere in the decision. It is also a correct position of law. As it was a private complaint, the appeal ought to have been filed

in this Court after taking leave of this Court under section 378 (4) of Cr.P.C. There is no ground for interference in the decision of the learned J.M.F.C. and so, the revision is hereby dismissed.

[T.V. NALAWADE, J.]

ssc/