

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 330 OF 2013**

Madhusudan Anant Parulekar

.. Applicant

*Versus*Kohinoor Industrial Premises Co-op.
Society Ltd. and Ors.

.. Respondents

Mr. A.J. Uniyal, Advocate for Applicant.

Mr. K.S. Bapat, Advocate i/b A.H. Fatangare, Advocate for
Respondent Nos.1 to 3.

Ms. S.S. Kaushik, APP for State.

CORAM : ABHAY M. THIPSAY, J.**DATED : 6th JANUARY, 2015.**

P.C. :

1. Heard the learned Counsel for the Applicant. The Applicant is seeking leave to appeal against the acquittal of the Respondent Nos. 2, 3 and 4 in C.C. 3048/SSI2005 recorded by the Additional Chief Metropolitan Magistrate, Mumbai. The learned Counsel for the Applicant fairly submits that on the facts of the particular case and on the basis of the evidence that came to be recorded during the trial, the order of acquittal is proper and is not liable to be interfered with. He however submits that the learned Additional Chief Metropolitan Magistrate, Mumbai has made some sweeping and general remarks about the legal propositions, which according to the learned Counsel, are not correct. The learned Counsel for the Applicant apprehends that these propositions about legal position, as found in the judgment delivered by the learned Additional Chief Metropolitan Magistrate might be quoted and used as laying down the correct legal position in some other

cases that have filed by the Security Guards Board, and are pending.

2. I find this apprehension to be baseless. It is settled legal position that the general propositions of law laid down by a subordinate Courts would not be binding even the Courts subordinate to such Courts. The other cases which are pending under the relevant provisions of law, therefore, would be decided on the basis of the settled legal position, and not on the basis of legal propositions found in the judgment.

3. Since the appeal cannot entertained only with the object of checking the correctness or otherwise of legal propositions laid down by the trial Court, when the order of acquittal is conceded to be not liable to be interfered with, it would not be proper to grant leave to appeal.

4. Leave refused.

5. Application rejected.

(ABHAY M.THIPSAY, J)