

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1313 OF 2015
(Sarvottam Krushnarao Deshmukh Vs. The State of
Maharashtra and another)

Mr. V.S. Bedre, Advocate for the applicant
Mr. R.V. Dasalkar, A.P.P. for the respondent-State
Mr. A.P. Bhandari, Advocate for respondent No. 2

CORAM : M.T. JOSHI, J.
DATE : 11/02/2016

ORAL ORDER :

1. Heard both sides.
2. Aggrieved by the acquittal of respondent No. 2 from the offences punishable under section 188 and 427 of the Indian Penal Code, by the learned Judicial Magistrate First Class, Jamkhed, District Ahmednagar, vide order dated 2nd January, 2015, passed in S.T.C. No. 81/2011, the original complainant wants to prefer an appeal and therefore, present application for grant of leave to file appeal is filed.
3. The sum and substance of the allegations is that though the civil court has granted decree in favour of the present applicant for partition of the suit

property and issued perpetual injunction regarding the transfer of the suit property and though he has issued the proclamation in the newspaper, the respondent No. 2 has alienated the suit property in favour of the third party.

. The learned Judicial Magistrate First Class came to the conclusion that the offences punishable under section 188 or 427 of the Indian Penal Code is not made out.

4. It is to be noted that the decree can very well be executed and if certain breach of perpetual injunction is there, then the same also can be dealt with under the provisions of the Code of Civil Procedure. In that view of the matter, I do not find any merit in the application. The application is, therefore, dismissed.

[M.T. JOSHI]
JUDGE