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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2479 OF 2015

Shaikh Mansoor Shaikh Ajij,
Age: 42 years, Occu: Business,
R/o Shani Galli, Zendigate,
Ahmednagar

..APPLICANT

VERSUS

The State of Maharashtra & ors.

..RESPONDENTS

Mr N. C. Garud, Advocate for applicant;
Mr S. Y. Mahajan, Addl. Public Prosecutor for respondent No. 1;
Mr B. A. Darak, Advocate for respondent Nos. 2 to 4

CORAM : N.W. SAMBRE, J.

DATE : 6th June, 2016

ORDER :

The non-applicants were prosecuted for offence punishable under Section 380 of the Indian Penal Code and were acquitted in R.T.C. No. 409 of 2007, vide judgment dated 5th March, 2015, delivered by the learned Judicial Magistrate First Class, Court No. 5, Ahmednagar.

2. In support of the case of the present applicant, the applicant has examined himself at Exh. 66 and another witnesses namely, Firoz Karmuddin Shaikh at Exh. 73 and Niraj Bhavarlal Kabra at Exh. 74. I have gone through the evidence of these witnesses. There is hardly any material on record to infer that the non applicants-accused were responsible for felling of disputed wall.

(2)

3. In my opinion, the view as is expressed by the learned Magistrate that there exists a civil dispute and coupled of above referred observances, no case for grant of leave to file an appeal, is made out. Criminal Application, as such stands rejected.

(N.W. SAMBRE, J.)

sjk