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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 218 OF 2015

Shri Uday Ram Takle ... Applicant

Versus

State of Maharashtra Ors. ... Respondents

Mr. A.A. Desai for the applicant.

Mr. S.K. Shinde, P.P. a/w. Mrs. S.V. Sonavane, APP for the State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 5th JANUARY, 2016

P.C. :-

Heard the learned counsel for the applicant and the learned P.P. for the State.

2. This application is filed for leave to appeal against the judgment and order dated 17th February, 2014 passed by the learned Additional Sessions Judge, Pune in Criminal Appeal No. 417 of 2006. By the said judgment and order, the Lower Appellate Court has reversed the judgment and order of the trial Court and acquitted respondent nos. 2 and 3 of the charges punishable under sections 420, 467, 468, 471, 504 and 506 read with 34 of Indian Penal Code.

3. It is the prosecution case that the development agreement was got executed by the respondent nos. 2 and 3 from the applicant while he was under the influence of the liquor and thereby they have committed offences punishable under sections mentioned hereinabove. In order to prove the allegation that the development agreement was got executed by the applicant under the influence of liquor, the prosecution has relied upon the testimony of the applicant, his wife and the Sub Registrar. The applicant in his deposition has stated that he was taken to the Sub Registrar's Office by respondent nos. 2 and 3 while he was under the influence of liquor and obtained his signatures on development agreement and power of attorney. The appellate court has noted that same was an improvement and therefore, same cannot be relied upon. In so far as the evidence of PW No. 2 namely the wife of the applicant is concerned, the appellate Court has observed that she had no personal knowledge and whatever stated by her in her evidence was an hear-say evidence. Naturally her evidence was also not accepted by the Lower Appellate Court. In so far as the evidence of PW No. 3 Sub Registrar is concerned, the same does not help the prosecution case. In these circumstances, on close scrutiny of evidence adduced, the Lower Appellate Court came to the conclusion that the charges against respondent nos. 2 and 3 are not proved. The Lower Appellate Court has also

considered the delay in filing the FIR.

4. We have gone through the impugned judgment and deposition of witnesses. We find no error in the impugned judgment. The view taken by the Additional Sessions Judge is a possible view. There is absolutely no perversity found in the reasons and findings rendered by appellate Court. The reasons and findings rendered by appellate Court found to be fully in consonance with evidence on record. In view of this, we are not inclined to interfere with the impugned order.

5. Mr. Desai, learned counsel for the applicant, at this stage, on instructions submits that at later stage, the applicant has filed civil proceedings challenging the development agreement against respondent no. 3. We therefore, clarify that those proceedings will be decided independently on its own merits and disposed of. This application shall not have any bearing on those proceedings.

Subject to above, the Criminal Application is dismissed.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)