

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.958 OF 2011

ASHOK S. JAIN

)...APPLICANT

V/s.

CHANDRAKANT ABAJI DALVI AND ANR.)...RESPONDENTS

Shri K.H.Holambe-Patil, Advocate for the Applicant.

Smt.Razia B. Shaikh a/w. Ms.Shilpa Dalvi, Advocate for Respondent No.1.

Shri V.B.KondeDeshmukh, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 5th APRIL 2016.

P.C. :

1 Heard Shri K.H.Holambe-Patil, the learned counsel for the applicant. Heard Smt.Razia B. Shaikh, the learned counsel for respondent no.1. This application for leave to appeal has been pending since 2011. It appears that the order of acquittal came to be passed because the Magistrate believed the defendant's evidence thinking it to be plausible.

2 In the peculiar facts and circumstances of the case, after hearing the learned counsel for the parties, it is decided that leave be granted and the appeal be numbered, but that it be decided finally at the admission stage itself.

3 It would be necessary to call for the record and proceedings.

4 To avoid unnecessary delay, record and proceedings be called without paper book.

5 Leave granted.

6 The application for leave to appeal be treated as 'Memo of Appeal' and it be numbered accordingly.

7 Necessary amendment be carried out within 2 weeks.

8 The appeal be listed on board for **Admission** on **14th June 2016**, with the understanding that it shall be decided finally at the admission stage itself.

9 Respondents waive service of notice for final hearing.

(ABHAY M. THIPSAY, J.)