

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO.577 OF 2014

(M/S. SHRIRAM CITY UNION FINANCE LTD....VS..MOHAN ASHOKRAO THAKRE & 3 OTH.)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : MARCH 08, 2016.

Heard Shri Sumit P. Bodalkar, advocate for the
 appellant/applicant and Shri N.B.Jawade, A.P.P. for the
 respondent No.4.

The appellant/ applicant is seeking leave to
 appeal to challenge the judgment passed by the learned
 Magistrate acquitting the respondent Nos. 1 to 3 for the
 offences punishable under Sections 468, 471, 420 and 34 of
 the Indian Penal Code.

The appellant/ applicant filed complaint with the
 Police Station alleging that the respondent Nos. 1 and 2
 obtained loan from the appellant fraudulently by
 misrepresenting that they were registered owners of tractors
 bearing Registration No. MH-32/P-599 and MH-32/P-146.
 According to the appellant, the respondent Nos. 1 and 2
 prepared false registration certificates of the vehicles and
 bogus house tax receipts and furnished the bogus documents
 to the appellants while seeking loan. The learned
 Magistrate has considered the evidence on record and has
 concluded that even if the allegations are considered to be
 true, they are not sufficient to hold the respondent
 Nos. 1 and 2 guilty of the offences punishable

under Sections 468, 471, 420 and 34 of the Indian Penal Code. The learned Magistrate has recorded that the appellant (complainant) has failed to establish that the respondent Nos.1 and 2 have cheated the complainant by producing forged/bogus documents and securing loan from the complainant.

In my view, the judgment passed by the learned Magistrate acquitting the respondent Nos. 1 to 3 is proper. The prayer of the applicant/ appellant for grant of leave to appeal is **rejected**. Consequently, the appeal filed by the appellant challenging the judgment passed by the learned Magistrate acquitting the respondent Nos. 1 to 3 is **dismissed**.

In the circumstances, the parties to bear their own costs.

JUDGE

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