

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

4 CRIMINAL APPLICATION NO. 1594 OF 2016

SHRI VASANT S/O CHUDAMAN SALUNKE
VERSUS
YOUNG BOYS EDUCATION AND INDUSTRIAL CIRCLE DHULE
AND OTHER

...

Advocate for Applicant : Mr. Ravindra C.Misal,
Adv. h/for Mr. Sonawane Maheshkumar S.
Mr. NY Kingaonkar, Adv. h/for Mr.S.S.
Jadhavar, Adv. For R.Nos. 1, 4, 6 To 8, 12 & 13 to
17.

CORAM : P.R.BORA, J.

DATE : 2nd November, 2017.

PER COURT :

- 1) Heard learned Counsel for applicant and learned counsel for the respondents.
- 2) The applicant has filed the present application seeking leave to appeal against the judgment and order passed by the Court of JMFC, (Court No.1) Dhule in RCC No.730/2002 decided on 23rd December, 2015.
- 3) Respondent Nos.2 to 17 were prosecuted

by the applicant for the offences punishable under Sections 177, 199, 418, 465, 468, 471 read with 34 of Indian Penal Code. It was the contention of the applicant before the Magistrate's Court that Respondent Nos.2 to 17, in connivance with each other, illegally shown the existence of three divisions from Std. I to IV in Urdu Primary School run by Respondent No.1-Education society. It was the further allegation of the applicant that, by preparing false documents, the appointments of some of the respondents herein were illegally shown and the salary amount pertaining to the said teachers to the tune of Rs.1,28,000/- was obtained from the Government.

4) In order to prove the guilt of the accused, the applicant himself deposed before the Trial Court and examined two witnesses. The learned Trial Court, after having considered the evidence so adduced by the applicant, acquitted all the accused from all the charges levelled

against them, observing that the applicant has failed in bringing on record any evidence to support his allegations against the said accused persons. The applicant intends to challenge the said judgment by filing the criminal appeal and has, therefore, filed the present application seeking leave to appeal.

5) It was contended by the learned Counsel for the applicant that the Trial Court has failed in properly appreciating the evidence of the applicant and other two witnesses examined by him and on some erroneous grounds, has passed the impugned judgment thereby acquitting the respondents from the charges levelled against them.

6) As against this, the learned Counsel appearing for the respondents has submitted that the learned Magistrate has passed a well-reasoned order observing that the applicant has failed in bringing on record any documentary evidence in

support of his allegation and as such, has rightly acquitted all the respondents from all the charges levelled against them.

7) I have carefully considered the submissions made by learned Counsel appearing for the applicant and learned Counsel appearing for the respondents. I have also perused the impugned judgment. Apparently, it does not appear to me that any error has been committed by the learned Trial Court in acquitting the respondents-accused from all the charges levelled against them in the said criminal case. As has been observed by the learned Trial court, all the allegations made by the applicant against the respondents were based on documentary evidence. However, the applicant did not produce a single document before the Sessions Court so as to prove his allegation against the respondents. It has also been observed by the trial court that witness No.2 examined by the applicant, who was the Administrative Officer of Education Board of

the Municipal Corporation, Dhule, in his evidence before the Court, has not supported the case of the prosecution and his evidence cannot be said to be of any use to prove complicity of the accused in commission of the crime alleged against them.

8) After having considered the judgment passed by the learned Trial Court, it does not appear to me that any error has been committed by the Trial Court. It does not appear to me that on the basis of such evidence, any court could have passed any other order than the order passed by the learned Magistrate. In the circumstances, the application deserves to be rejected and is accordingly rejected.

(P.R.BORA,J.)

bdv/