

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

CRIMINAL APPLICATION (APPA) NO.190 OF 2017
IN
CRIMINAL APPEAL NO..... OF 2017

Shri Sudhir Madhukar Bangre
..vs..
Shri Baban Tulsiram Ninave and ors

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

Court's or Judge's Order

Shri R.R. Vyas, Counsel for the applicant.

CORAM : V.M. DESHPANDE, J.
DATED : JUNE 29, 2017.

This is an application for condonation of delay.

Delay is of 1748 days.

Though notices were issued, even after service, the non-applicants are not putting their appearance.

Normally, the Court could have considered the case for condonation of delay sympathetically. However, even on merits I notice that the judgment and order of acquittal passed by learned Magistrate is correct and cannot be faulted on any count since the applicant has utterly failed to prove that he has given any gold ornaments to his ex-fiancy, non-applicant No.2.

According to the private complaint, which was

filed on behalf of the present applicant, the non-applicants have committed offences punishable under Sections 403, 406, and 500 read with Section 34 of the Indian Penal Code. There is no iota of evidence to show that there was any defamation at the hands of any of the non-applicants.

Further, since entrustment of gold ornaments to non-applicant No.2 at the behest of the present applicant is not at all proved, learned Judge of the Court below has rightly acquitted the non-applicants for the offences punishable under Sections 406 and 500 of the Indian Penal Code.

Since there is no merit, no fruitful will be served even by allowing application for condonation of delay.

Hence, the criminal application for condonation of delay is rejected. Consequently, the criminal appeal is also dismissed.

JUDGE

!! BRW !!