

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 118 OF 2018

Shri A. Karim Roshansaheb Dhature	... Applicant
Vs.	
Shri Chandsaheb Usman Salati & Anr.	... Respondents

Ms. Saima Ansari I/by R.M.Mornin for the Applicant.
Mr. R.M. Gadhvi APP for State.

CORAM : A.S. GADKARI, J.

DATE : 23rd MARCH, 2018

P.C.

1. This is an application under Section 378(4) of the Code of Criminal Procedure, 1973 for leave to file appeal against the judgment and order dated 05.05.2016 passed by the learned Judicial Magistrate First Class, Miraj, in Regular Criminal Case No. 121 of 2013, thereby acquitting the respondents for the offences punishable under Sections 419 and 420 of the Indian Penal Code.

2. Heard learned counsel for the applicant and perused the record.

3. The evidence on record indicates that, there was dispute between the applicant and Respondent No.1 for gaining control over the management of Shahi Salati Masjid Trust situated at Miraj, Taluka Miraj, Dist. Sangli and an application preferred by the applicant for appointing him as a Trustee of the said Masjid was pending before the Wakf Board of the State of Maharashtra. The record indicates that there is civil litigation pending between the parties. The applicant has failed to prove the fact that the advertisement dated 26.03.2013 published by the respondent was with a malafide intention to cause wrongful loss to the said Trust. Applicant in his cross-examination has admitted that he used to collect the donation on behalf of the Trust. The applicant has further failed to prove the fact that Respondent No.1 since inception was having an intention to commit the offence of criminal breach of trust and cheating.

4. After perusing the record, this Court is of the opinion that the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the present case.

No case for grant of leave is made out.

5. Application is accordingly rejected.

(A.S. GADKARI, J)