

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.212 OF 2014**

Sabha Narain Singh

....Applicant.

Vs.

Jagdish Kedarnath Rai & Anr.

....Respondents.

Mr. Sagar Kasar for the Applicant.

Mr. Sanjiv Punalekar i/by PRS Legal for the Respondent.

Mr. A.R. Kapadnis, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 20th MARCH, 2018.****P.C.:-**

This is an Application under Section 378 (4) of Cr.P.C. for leave to file Appeal against the Judgment and Order dated 27th March, 2014 passed by the learned Additional Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai in CC No.705/S/1999, thereby acquitting the Respondent from the offences punishable under Sections 447, 506 (II) of the Indian Penal Code, 1860.

2 The Applicant is a practicing Advocate and despite the said fact, while leading substantive evidence before the Trial Court, has not given any material particulars about the alleged incident in question, which would lead the Court to draw the inference that the alleged

incident in fact had taken place on the particular date and time thereby, attracting Sections 447 and 506 of the Indian Penal Code.

The perusal of record reveals that in his cross-examination, the Applicant has admitted that he did not remember the date and time when the Respondents abused him. The admission given by the Applicant in his cross-examination makes his own case absolutely weak and therefore, even remote inference cannot be drawn that, the alleged offence had in fact taken place.

3 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 to file Appeal is made out.

4 Application is accordingly rejected.

(A.S. GADKARI, J.)