

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 102 OF 2016
The State of Maharashtra vs. Majidbhai B. Mujawar

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. P.N.Dabholkar, APP. for the Applicant.

Mr.S.D. Chavan for the Respondent.

CORAM : A.S.GADKARI, J.

DATE : 01st March, 2018

P.C.

1. This is an application under Section 378(3) of the Cr.P.C. for leave to file appeal against the Judgment and Order dated 25.2.2013 passed by the Judicial Magistrate First. Class, Medha in RCC No.38/2010 acquitting the respondent under Section 292, 504 and 506 of the Indian Penal Code.

2. Heard the learned APP. and the learned counsel appearing for the respondent. Perused the record.

3. The record clearly indicates that the prosecution has failed to produce sufficient evidence on record in proving the case under Section 292 of the Indian Penal Code. There is no cogent and reliable evidence on record to infer

that the alleged material thereby attracting Section 292 was sufficient to prove the charge beyond reasonable doubt. The record further indicates that the evidence adduced by the prosecution to prove the offence under Section 504 and 506 of the Indian Penal Code is lacking in its totality. Thus, the prosecution has utterly failed to prove the charges against the respondent by adducing admissible and legal evidence.

4. After perusing the record, this Court is of the opinion that the view adopted by the Trial Court is a probable view in facts and circumstances of the present case. There is no error either in facts or law in the impugned order. No case to grant leave is made out.

5. Application is accordingly rejected.

(A.S.GADKARI, J.)