

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.504 OF 2015
(For Leave to Appeal – Private)**

Anand Jain ... **Applicant**
V/s.

The State of Maharashtra & Anr. **Respondents**

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Mr.Kunal Vaishnav with Mr.Rahul Raut i/b. M/s.N.N.Vaishnawa &
Co., Advocate for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent/State.

Ms.Neha Prashant i/b. Juris Corporation, Advocate for the
Respondent No.2.

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CORAM : A.M.BADAR J.

DATED : 26th JUNE 2018.

P.C. :

1 This is an application for leave to appeal for
challenging Judgment and Order of acquittal of the respondent
No.2 recorded in an appeal by the learned Additional Session
Judge, Greater Mumbai.

2 Heard both sides and perused the impugned Judgment
and Order of acquittal.

3 In view of law laid down by the Honourable Apex
Court in the matter of *Javer Chand & Ors. v. Pukhraj Surana*¹

¹ (1967) 2 SCR 333.

and *Rangappa v. Sri Mohan*,¹ case for the grant of leave is made out. Hence, the Order :

ORDER

- (i) Leave, as prayed, is granted.
- (ii) Memo of application for leave to appeal be considered as Memo of Appeal on effecting necessary amendments by the learned Advocate for the applicants/accused. Accordingly, leave to amend is granted.
- (iii) Admit.
- (iv) Issue notice to respondents.
- (v) The learned Additional Public Prosecutor waives notice for the respondent No.1/State.
- (vi) Call for Record and Proceedings.
- (vii) In the meanwhile, in lieu of action under Section 390 of the Criminal Procedure Code, the respondent No.2 to execute P. R. Bond in the sum of Rs.15,000/- before the learned trial Court within a period of four weeks from today.

(A.M.BADAR J.)

¹ (2010) 11 Supreme Court Cases 441.