

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 439 OF 2014

Vaishnavi V. Sandav vs. Vishnu Balu Sandav and ors.

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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Mr. Suresh More for the applicant.

Ms. P.N.Dabholkar, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 09th March, 2018

P.C.

1. This is an application under Section-378(4) of Cr.P.C. for leave to file appeal against the Judgment and Order dated 21.6.2014 passed by the learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai in CC No.1735.PW/2007 in CR No.482/2005 thereby acquitting the respondents from an offence punishable under Sections 498(a), 406 read with 34 of the Indian Penal Code.
2. Heard the learned counsel for the applicant at length and perused the record.
3. The record clearly indicates that the prosecution has failed to prove the charge levelled against the respondents by adducing sufficient and cogent evidence. The testimony

of the first informant is very crepetic and makes out no offence at all as has been charged against the respondents. No Medical Certificate in support of the contention of assault is produced on record except making bald allegations to constitute the said offence. The record indicates that the evidence produced by the prosecution is lacking in substantiating the said allegation. The perusal of evidence on record reveals that, the prosecution has clearly failed to prove the charges against the respondents beyond reasonable doubt.

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. There is no error either in facts or on law in the impugned order.

No case for grant of leave is made out.

5. Application is accordingly rejected.

(A.S.GADKARI, J.)