

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.564 OF 2015
(For Leave to Appeal - Private)**

Shri.Suresh Bhaguram Khopkar ... **Applicant**
V/s.

Shri.Deepak Krishna More & Ors. ... **Respondents**

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Mr.Vikram N. Walawalkar Mr.Suresh M. Sabrad, Advocate for the Applicant.

Ms.Sonal Parab, Advocate for the Respondent Nos.1 to 4.

Mr.P.H.Gaikwad-Patil, APP for the Respondent No.5/State.

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CORAM : A.M.BADAR J.

DATED : 25th SEPTEMBER 2018.

P.C. :

1 This is an application for leave to appeal by the complainant. What is sought to be challenged is Judgment and Order of acquittal of the respondent of offences punishable under Sections 384 and 506 read with Section 34 of the Indian Penal Code.

2 Having heard the learned Counsel appearing for the applicant/original complainant as well as the learned Advocate appearing for the respondents/original accused Nos.1 to 4, I am of the considered view that the case for consideration is made out.

Prima facie, it appears that hyper-technical approach was adopted by the learned trial Court. In criminal trial proof of mathematical precision is not required.

3 In this view of the matter, the following 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 amendment. Leave to amend to that effect is granted.
- (iii) Admit.
- (iv) Issue notice to respondents.
- (v) Ms.Parab, the learned Counsel waives notice for the respondent Nos.1 to 4. The learned Additional Public Prosecutor waives notice for the respondent No.5/State.
- (vi) Call for Record and Proceedings.
- (vii) In the meanwhile, in lieu of action under Section 390 of the Code of Criminal Procedure, the respondent Nos.1 to 4 should execute P. R. Bond of Rs.15,000/- each before the learned trial Court within a period of four weeks.

(A.M.BADAR J.)