

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 526/2018

IN
CRIMINAL APPEAL NO. _____/2018

Shri Sheshrao Krishnaji Gajbhiye

..VS..

Shri Vijay S/o Namdeo Gajbhiye

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Sahare, Advocate for the applicant/appellant
Shri S.M. Nafde, Advocate for the non-applicant/respondent

CORAM : Z.A.HAQ, J.

DATED : 16/10/2018

Heard.

The original complainant has filed the appeal to challenge the judgment passed by the learned Magistrate dismissing the complaint filed by him seeking conviction of the respondent for the offences punishable under Section 323, Section 504 and Section 506 of the Indian Penal Code. The applicant/appellant seeks leave to file appeal.

The judgment passed by the learned Magistrate shows that he has exhaustively considered the evidence brought on record by the complainant and has not only discussed the evidence concerning the incident which gave rise to filing of the complaint but the learned Magistrate has also recorded that in the earlier cases also the complainant had not been diligent in adducing the evidence to prove the guilt of the accused. The applicant/appellant has not filed

anything alongwith memo of appeal to point out that any relevant and material evidence is not considered by the learned Magistrate. It is difficult to examine as to what illegality is committed by the learned Magistrate while appreciating the evidence, as the notes of evidence are also not placed on record or produced at the time of arguments.

In view of the above, it is not possible to consider the prayer of the applicant/appellant for grant of leave to file appeal.

The prayer is **rejected**. Consequently, the appeal is **rejected**. No costs.

JUDGE

Ansari