

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

CRIMINAL APPLICATION 580 OF 2017

(Motiram s/o. Shivram Ujjainkar...Vs..Vilas s/o. Marotirao Nimbadkar & ors)

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

Court's or Judge's orders.

Shri U.J. Deshpande, counsel for applicant.
Shri S.G. Joshi, counsel for respondent.

CORAM: ROHIT B. DEO, J.

DATE: 7th MARCH, 2018.

Heard.

2 Leave is sought under section 378(4) of the Code of Criminal Procedure to challenge the judgment and order of acquittal dated 9.2.2016 rendered by the learned Judicial Magistrate First Class (Court-2), Akola in Regular Criminal Case 213 of 2016, by and under which, the respondents are acquitted of offence punishable under section 420, 468, 294, 506 part II read with section 34 of the Indian Penal Code.

3 The respondent 3 – accused Usha Nimbadkar who executed the sale deed in favour of the applicant on 30.11.1998 has expired.

4 I have given anxious consideration to the judgment and order of acquittal and the submissions of the learned counsel for the applicant. Having done so, I do not see any infirmity in the judgment and order of acquittal in so far as the acquittal of respondents 1 and 2 is concerned.

5 The evidence on record is grossly insufficient to connect respondents 1 and 2 with the alleged offence. A possible view is taken by the learned Magistrate and at any rate no perversity in approach or in appreciation of evidence is demonstrated.

6 The application is rejected.

JUDGE

rsb