

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (APPA) NO. 643 OF 2017

(Ramchandra s/o Natthuji Sonttake V/s Mohan s/o Keshav Morghade and others)

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

Court's or Judge's orders.

Shri Ganesh Iyar Advocate h/f Shri S.S. Ghatge, Advocate for
applicant.
Shri N.B. Jawade, Addl. P.P. for the respondent.

CORAM: ROHIT B. DEO, J.

DATE: 20th MARCH, 2018.

The applicant is the original complainant in Regular Criminal Case 894/2008 and is seeking leave to appeal against judgment and order of acquittal rendered by the Judicial Magistrate First Class, Seloo, by and under which respondent 1 is acquitted of offence punishable under Sections 420, 468 and 471 of the Indian Penal Code .

2. The gist of the complaint was that the complainant purchased two wheeler in the name of his son "Vivek" on hire purchase agreement and paid the installments. Vivek expired on 9-6-2006. Respondent 1, who is the father-in-law of Vivek, transferred the said vehicle in

his name by submitting forged documents. The emphasis of the complainant is that although Vivek died on 9-6-2006, the transfer forms submitted to the R.T.O. bears the date 5-7-2006.

3. The perusal of the judgment of acquittal reveals that unfortunately the complainant did not prove the very documents on which the edifice of the complaint is constructed. Forms 29 and 30 submitted to the R.T.O. are not proved. This is despite the fact that a clerk from the department of R.T.O. (CW2) was examined. The complainant further did not adduce any evidence to prove that it was he who purchased the vehicle in the name of Vivek, so much so that the complainant could not disclose even the amount of installment.

4. I do not find any infirmity in the view taken by the learned Magistrate that since the very basic facts which ought to have proved to attract Sections 420, 468 and 471 of the Indian Penal Code are not proved, no offence is made out. The view taken is not only a possible view, is the only

view which could have taken in the teeth of evidence on record.

5. The application is sans merit, and is rejected.

JUDGE

RKN