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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 564 OF 2018
(FOR DELAY)****WITH****CRIMINAL APPLICATION NO. 491 OF 2019
(FOR LEAVE TO APPEAL)**

Bhupal Bapu Chougule

.....Applicant

V/s.

Sandip Ashok Bargale and others

.....Respondents

Padmanabh D. Pise for the applicant

Mr. Nagesh Y. Chavan for respondent nos. 1 to 3

Mr. R. M. Pethe APP for the State

CORAM : NITIN W. SAMBRE, J.**DATE : NOVEMBER 27, 2019.****P.C.**

Apart from unexplained delay of more than 4 years, acquittal is based on appreciation of evidence of alleged eye witnesses.

2 With the assistance of learned counsel for the applicant, I have gone through entire depositions.

3 Applicant/complainant has failed to establish that the alleged Muddemal which was stolen, owned by him as the Investigating Officer has failed to recover the bill/cash receipts pertaining to Muddemal from the applicant himself.

4 Even if testimony of the photographer is accepted, still fact remains that it cannot be inferred that photographs of the field where the alleged incident took place.

5 In that view of the matter, no interference is warranted, delay is rejected. Leave is refused.

[NITIN W. SAMBRE, J.]