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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 405 OF 2019
(FOR LEAVE TO APPEAL)**

Sumanbai Namdevrao Hingne

.....Applicant

V/s.

Ankur Radhakrishna @ Baban
Ganpat Kudale and others

.....Respondents

Mr. Ranjitsinh R. Bhonsale for the applicant
Mr. R. M. Pethe APP for the State**CORAM : NTIN W. SAMBRE, J.****DATE : NOVEMBER 4, 2019.****P.C.**

Heard.

2 Learned Magistrate vide impugned Judgment dated 25/09/2017 ordered acquittal of the respondent-accused for an offence under Section 420 r/w 34 of the Indian Penal Code. Offence is based on Sale Deeds dated 28/10/1987 and 06/11/1987 executed in favour of applicant-complainant and her aunt in regard to 5R

land.

3 The fact remains that these two Sale Deeds were never questioned by the complainant before the Civil Court. Apart from above, complaint came to be moved after almost 20 years which delay is at all not explained.

4 Learned Magistrate appreciated the evidence of the complainant at Exhibit 48, its witness at Exhibit 68 & 91 and acquitted the accused.

5 The relation between the applicant and accused is that of sister and brother and brother's wife.

6 The fact remains that Sale Deeds executed are registered documents and same have presumptive value under the Evidence Act.

7 In the aforesaid background, the acquittal ordered is based on

appreciation of the evidence in its true and correct perspective. No interference is warranted. Leave is refused.

8 Civil proceedings, if any, are pending, same be decided without being influenced by the aforesaid order.

[NITIN W. SAMBRE, J.]