

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

CRIMINAL APPLICATION (APPA) 475 OF 2019

(Tapankumar s/o. Pramodnath Ozha..vs.. Nikhilchand Shil & Ors)

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

Court's or Judge's orders.

Shri N.N. Thengre, counsel for the applicant.
Shri D.C. Daga, counsel for respondents 1 and 2.
Shri T.A. Mirza, A.P.P. for respondents 3 and 4.

CORAM: ROHIT B. DEO, J.

DATE: 10th JUNE, 2019.

The applicant is the original complainant in Regular Criminal Case 168 of 2013 in which the non-applicants 1 and 2 were arraigned as accused 1 and 2.

The complaint alleged commission of offence punishable under section 506 read with section 34 of the Indian Penal Code.

The case of the complainant was that there arose a monetary dispute between the complainant and the Sunflag Company of which accused are senior employees. The complainant instituted Civil Suit for recovery of the disputed amount, which Civil Suit was partly decreed. The complainant alleged that when he approached the judgment debtor – Sunflag Company with decree, he was threatened by the accused.

The trial Court noted that although the incident allegedly occurred in presence of several persons, the complainant did not examine any independent person to

bring home the charge. The complainant did examine himself. However, his evidence is disbelieved by the trial Court. The trial Court has noted interalia in paragraph 14 that the evidence is marred by improvements. Moreover, the complainant failed to name any particular person as the person who threatened him with dire consequences.

Having scrutinized the reasons recorded by the trial Court, I am satisfied that no case is made out for grant of leave to appeal challenging the judgment of acquittal.

The application is dismissed.

JUDGE