

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

CRIMINAL APPLICATION (APPA) NO.599/2019

Ku. Surekha Domaji Bele .vs. Smt. Sushila Shankar Wairagade and Ors.

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

Court's or Judge's orders.

Ku. Surekha Bele, Applicant in person.

Mr. N. R. Bhishikar, Advocate for non applicant nos. 1 to 5.

CORAM : V. M. DESHPANDE, J.

DATED : SEPTEMBER 18, 2019

By present application, applicant, who is original complainant and who has filed private complaint, is challenging judgment and order of acquittal passed by learned Chief Judicial Magistrate, Chandrapur in Regular Criminal Case No.439/2008.

Heard applicant who is appearing in person and also Mr. Bhishikar, learned counsel for non applicant nos.1 to 5. It is the submission of Mr. Bhishikar that learned Chief Judicial Magistrate was right in rejecting evidence of Mansaram (CW3), he being the chance witness.

Record and proceedings were called. Those are before this Court.

In my view, second thought is necessary to the reasons supplemented by learned Judge of the Court below in respect of appreciation of the evidence. Hence, the application is allowed. Leave is granted to file the appeal.

The application is disposed of.

Criminal Appeal No. _____/2019

Heard.

Admit.

Mr. Bhishikar, learned counsel waives notice for respondent nos.1 to 5. As Mr. Bhishikar is appearing on behalf of the respondents, there need not be an action under Section 390 of the Code of Criminal Procedure.

JUDGE

kahale