

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.57 OF 2017

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Municipal Corporation of Gr. Mumbai
Through Jr. Law Officer, R/South Ward,
Shri. Himmat Mali ..Applicant
Versus
Shri. Khimjibhai Pahadia and Anr. ..Respondents

Mrs. M. R. Bhoir, for the Applicant.
Mr. Ajay Patil, APP for the Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : 22nd DECEMBER, 2021

PC.

1. The respondent is acquitted for an offence under Section 390 r/w 417 of the Mumbai Municipal Act (“MMC Act” for short).
2. I have perused the judgment delivered by the learned Magistrate.
3. Counsel for the applicant would urge that there is enough material on record to infer *prima-facie* involvement of the respondent/accused.
4. The view expressed by the learned Magistrate while delivering the judgment of acquittal is based on appreciation of evidence.

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5. Though counsel for the applicant has tried to persuade this Court to take a different view, however, since view expressed by the learned Magistrate is a possible view, no case for leave is made out.

6. Leave refused.

7. Application stands rejected.

[NITIN W. SAMBRE, J.]