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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 118 OF 2015**

SHAIKH RASHID JAN MOHAMMADApplicant.
V/s
ANSAR AHMED AJIJUDDIN SIDHIKIRespondent

Mr. Ashok Toraskar for the Applicant.
Mr. Ajay Patil, APP for the Respondent/State

CORAM: NITIN W. SAMBRE, J.

DATE: DECEMBER 04, 2021

P.C.:-

1] Respondent/Accused is acquitted of the offence punishable under Sections 406 (criminal breach of trust) of the IPC. As such, this application for grant of leave.

2] Contentions of the learned Counsel for the Applicant are, Applicant has executed Power of Attorney in favour of the Accused so as to transfer his house/property in favour of P.W. 2 – Digambar. Accused received an amount of Rs 80,000/- towards consideration and has neither given account of the same nor returned the amount to him, resulting into lodging of the FIR. P.W. 2 who is claimed to have paid the said consideration to the Accused in his evidence at Exhibit-47 has not supported case of the Applicant as he has stated that no such amount was paid to the Accused as claimed by the Applicant. Once P.W. 2 has accepted that he has not paid the amount to the Accused, in

my opinion, acquittal of the Accused is very much justified.

3] No case for grant of leave is made out. As such, leave stands refused. Application is rejected.

(NITIN W. SAMBRE, J.)