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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 560 OF 2013

SAMPADA SATYAWAN SHINGRE

....APPLICANT

V/s.

**THE STATE OF MAHARASHTRA
AND ANR**

.....RESPONDENTS

None for the applicant

Mr. Veerdhaval Deshmukh Advocate appointed for the applicant

Ms. Deepali Y. Dehrekar for respondent no. 2

Mrs. Rutuja Ambekar APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: NOVEMBER 18, 2021.

P.C.:

1] Today, none appeared for the applicant. As such, this Court is constrained to decide the matter on merits. This Court requested and appoints Mr. Veerdhaval Deshmukh to assist the Court. Mr. Deshmukh has gone through the record of the proceedings and submits that acquittal of the respondent-accused is based on improper appreciation of evidence as the guilt was duly proved.

- 2] Counsel for respondent no. 2 supported the order of acquittal.
- 3] Present application was filed beyond the limitation and this Court by showing indulgence, condoned the delay. Applicant was granted liberty to place on record copies of deposition which he has failed to, till this date.
- 4] Acquittal ordered by the Court below is based on observation that respondent was an employee and the allegation of misappropriation by the respondent were not proved and as such, he was reinstated in the service. As far as the case for excess payment to the respondent and dishonour of cheques issued towards refund of such excess payment is not established by the complainant as is observed. It appears that observations are well founded.
- 5] As such, leave to appeal stands refused. Application stands disposed of.

6] In view of assistance rendered by Mr. Veerdhaval Deshmukh, Legal Aid Services Committee is directed to pay admissible professional fees to him.

[NITIN W. SAMBRE, J.]

IRESH
SIDDHARAM
MASHAL

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Date: 2021.11.22
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