

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.70 OF 2022
WITH ALP/71/2022**

**KISAN DADA SONAWANE
VERSUS
SANJAY HARI GAIKWAD AND ANOTHER**

Mr. A. D. Kulkarni, Advocate for the applicant

CORAM : R. M. JOSHI, J.

DATE : 18th AUGUST, 2023

P.C. :-

1. Heard.

2. Perusal of the record *prima facie* reveals that the accused has never disputed execution memorandum of understanding dated 15/04/2015 (Exhibit 72) nor has claimed by way of cross examination of complainant that it is not a legal document. The learned Trial Court seems to have passed order of acquittal on basis that the document i.e. memorandum of understanding (Exhibit 72) is not legal document.

3. Having regard to the evidence on record and case sought to be made out by the accused, the complainant has a good case on merit to argue. Hence application is allowed.

4. Appeal be registered.

5. After registration of appeal, issue notice to the respondents, returnable on 15th September, 2023.

(R. M. JOSHI, J.)

ssp