

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

CRIMINAL APPEAL NO. 189 OF 2023

Colonel Pawankumar Gopinath Sharma

..APPELLANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. N.L. Jadhav, Advocate for appellant

Mr. N.T. Bhagat, A.P.P. for respondent no.1 - State

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CORAM : R.G. AVACHAT, J.

DATED : 31st MARCH, 2023

PER COURT :

1. Heard.

2. The appellant is the original informant/victim in the trial before the Court of Judicial Magistrate First Class, Aurangabad. The trial Court acquitted Respondent No.2 of offences punishable under Sections 465, 467, 468 and 471 of the Indian Penal Code ('I.P.C.') and convicted him of offence punishable under Section 420 of the I.P.C. Against that acquittal, the applicant herein had not preferred the appeal. The State had preferred appeal against the acquittal, whereas Respondent No.2 had preferred appeal against the conviction. The Appellate Court heard both the appeals together and decided the same thereby acquitting Respondent No.2 of the offence

punishable under Section 420 of the I.P.C. and confirming his acquittal in respect of other offences.

3. Since the appellant/complainant herein had not taken exception to the judgment of acquittal of Respondent No.2 passed by Judicial Magistrate First Class, Aurangabad, his present appeal is not maintainable. Same is, therefore, dismissed.

(R.G. AVACHAT, J.)

SSD