



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 801/2023 IN
CRIMINAL APPEAL STAMP NO. 5623/2023

Prakash s/o Radheshyam Agrawal V/s Subhash Radheshyam Agrawal

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Rajnish R. Vyas, counsel for the applicant/appellant.

Mr. A.D. Patil, counsel for the non-applicant/respondent.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 31/01/2024.

1. By this application, the applicant/appellant is seeking leave to prefer an appeal against the order of acquittal passed by the Additional Sessions Judge-16, Nagpur.

2. Mr. Rajnish Vyas, learned counsel for the applicant submitted that respondents were prosecuted for the offences punishable under Sections 420, 465, 467, 468, 471, 474 read with Section 34 of the Indian Penal Code, 1860. The learned trial Court after recording the evidence please to convict the respondents.

3. Being aggrieved with the same, the respondents have preferred the appeal before the Sessions Court and the Sessions Court has allowed the appeal, and the judgment and order of sentence is set aside. Being aggrieved with the same, the present appeal is preferred.

4. He further pointed out that he has various arguable points in the present appeal. The appeal is preferred by the original complainant.

5. Considering the grounds mentioned by the appellant in the appeal, and learned counsel has pointed out that he has arguable points in the present appeal. Therefore, he prays for grant of leave.

6. Learned counsel for the respondent strongly opposed the present application on the ground that the application is without any merit and deserves to be rejected.

7. After hearing learned counsel for both the parties and perused the impugned judgment, also consider the aspect that the appellant, who is the original complainant has pointed out some arguable points in the appeal. In view of that, leave deserves to be granted. Accordingly, I proceed to pass the following order:

- a) The criminal application (APPA) No. 801/2023 is allowed.
- b) Leave to file appeal is granted.

CRIMINAL APPEAL NO. ____/2023

- 1. Heard.
- 2. **Admit.**
- 3. Mr.A.D. Patil, learned counsel waives service of notice on behalf of the respondent.
- 4. Call for record and proceedings.

5. The appeal be placed before the Court after receipt of the record and proceedings.

[URMILA JOSHI-PHALKE, J.]