



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**954 APPLICATION FOR LEAVE TO APPEAL BY PRIVATE PARTY
NO. 81 OF 2019**

BAPU BHIMRAO TORADMAL
VERSUS
GANESH JALINDAR SHINDE

...
Mr. Vivek V. Tarde – Advocate for Applicant

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CORAM : SANJAY A. DESHMUKH, J.
DATE : 16th JANUARY, 2025

PER COURT :

1. This is an application filed for leave to file appeal under Section 378(3) of the Criminal Procedure Code.
2. Perused the application. Heard learned advocate for applicant.
3. Considering the grounds stated in the application and in view of the judgment of this Court in the case of **Shabu Bhimappa Dudhale Vs. Vinayak Appasaheb Padavle and Anr.**, reported in *2023 ALL MR (Cri.) 2726*, the powers under Section 256 of the Cr.P.C. cannot be exercised only for the purpose of disposing of cases. It appears that, cryptic order in S.C.C. No.289 of 2015 is passed by the learned J.M.F.C. Karjat, Ahmednagar and the accused has been

acquitted. The impugned order therefore *prima facie* appears illegal and defective.

4. In view of all these aspects, it would be proper to allow this application as prayed.

5. Application is allowed and disposed of.

6. Appeal is admitted.

[SANJAY A. DESHMUKH]
JUDGE