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53.appa.667.2024

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

CRIMINAL APPLICATION (APPA) NO.667 OF 2024
IN
CRIMINAL APPEAL STAMP NO.5708 OF 2024

Vandana w/o Prashant Patil
Vs.
Aruneshkumar Sharma

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. T. S. Deshpande, Counsel for the applicant.
Mr. S. W. Sambre, Counsel for the respondent.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/02/2025

1. By this application, the applicant - original complainant is seeking leave to prefer an appeal.
2. Heard learned Counsel for the applicant who pointed from the impugned Judgment that learned trial Court erroneously held that presumption is limited, in fact, learned trial Court has not considered the evidence and wrongly acquitted the accused/respondent. The appellant has every chance of success in the present appeal. In view of that, leave be granted.
3. Learned Counsel for the respondent strongly opposed the same and submitted that the accused has rebutted the presumption on the basis of

preponderance of probabilities and therefore, no ground is made out to grant leave.

4. After hearing both sides and on perusal of the impugned Judgment, the appellant has pointed out that he has many arguable points. In view of that leave is granted.

The application is disposed of.

CRIMINAL APPEAL STAMP NO.5708 OF 2024

1. Call for record and proceedings.
2. Appeal be listed for final disposal after receipt of the record and proceedings.

(URMILA JOSHI-PHALKE, J.)