

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CRML LEAVE TO APPEAL No. 115 of 2006

STATE
V/S
ABDUL RASHID

Mr. HR SONI, PP

Date of Order : 31.7.2006

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned Public Prosecutor and perused the impugned judgment.

The learned trial Court has found that the drums recovered have not been proved to be the drums, which are said to have been entrusted by the complainant to the accused. The learned trial Court also noticed that initially three accused persons were sought to be implicated, but then the offence has been found in the investigation against one only. Likewise, it has also been found that there was no specific mark to identify the drums, and significantly, out of the many drums recovered from the factory, the complainant declined to own many of them.

In my view, it appears that there were some commercial transaction in which process, there were some dispute, which arose, as has been deposed by Mohd.Rafiq, D.W.1, to the effect, that after the complainant left the

factory, a rent of Rs.45,000/- remained outstanding, and on demanding of that amount, the criminal case has been lodged.

Comprehending the entire material on record, it cannot be said that the conclusions, arrived at by the learned trial Court, are not supported by material on record, so as to require interference in appeal against acquittal.

The petition for leave to appeal thus, has no force, and is dismissed summarily.

(N P GUPTA), J.

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