

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

CRIMINAL APPLICATION NO.185 OF 2015

The State of Maharashtra ... APPLICANT

VERSUS

Aniskhanam Rafique Siddiqui
and another ... RESPONDENTS

.....
Shri B.L. Dhas, A.P.P. for applicant/ State
.....

CORAM: A.I.S. CHEEMA, J.

DATED: 12th February, 2015.

ORAL ORDER :

1. Heard learned A.P.P. for the applicant/ State. Perused record. Learned A.P.P. submits that, in this matter there was evidence of the complainant and other witnesses to the effect that the respondent - accused No.1 had come in the field and threatened the complainant claiming that the field belongs to her and she had threatened that she will tear her own clothes and file case against him. According to the A.P.P., the respondent No.2 had also entered the field and abused the witnesses and labours. According to learned A.P.P., the order of acquittal passed by the trial Court was not justified and leave may be granted.

2. Going through the material on record, it appears,

there is dispute pending regarding the field property between the complainant and the respondents - accused. The incident stated to invoke Sections 447, 504 and 506 of the Indian Penal Code is only to the effect that the accused persons came and had abused and accused No.1 had claimed that the field belongs to her; and threatened that she will tear her own clothes and put blame on the complainant. It appears, indeed there was a case filed by the accused No.1 with such allegations. The trial Court considered the evidence brought on record, and looking to the case as brought, found that, the panchas of the spot were not examined and the allegations that marking in the field had been removed was not proved. The evidence was not sufficient to hold that there was criminal intimidation to kill. The Court did not believe the evidence which was brought by the prosecution and acquitted the accused.

3. Looking to the evidence and the case of prosecution, the reasoning recorded by the trial Court is a possible view of the evidence. As such, no case is made out for interference. Leave is declined. Criminal Application is rejected.

(A.I.S. CHEEMA, J.)