

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 317 OF 2014

THE STATE OF MAHARASHTRA
VERSUS
SUKHDEO NAGORAO SAVDE AND OTHERS

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APP for Applicant : Mr. S. A. Ambad.
Advocate for Respondent Nos.1 to 6: Mr. Sudarshan J. Salunke.

CORAM: T. V. NALAWADE, J.
DATED: 23rd JULY. 2015.

PER COURT:

1. The application is filed for grant of leave to file appeal against judgment and order of Special Case No.6 of 2012 (Atrocities Act), which was pending before Special Court, Jalna. The respondents are acquitted of the offences punishable under sections 143, 147, 323, 504, 506, 149 of I.P.C. and section 3 (1) (x) of S.C. And S.T. (Prevention of Atrocities) Act. Heard learned A.P.P. Seen the record.

2. Allegations made against the Respondents are, in

the incident dated 7th October, 2010 at about 10.00 a.m. on Mantha-Jalna high way the motorcycle of the complainant P.W.1 was intercepted by the accused and main accused Haribhau had pulled him down from the motorcycle and complainant was assaulted by giving blows of kicks. Allegations are made that abuses are given by taking name of caste of the complainant which is scheduled caste. Clothes of the complainant were torn in the incident. The report in respect of the incident dated 7th December, 2010 was given on 10th December, 2010 and Crime was registered for the aforesaid offences.

3. In the trial Court the complainant and two so called eye witnesses are examined. The trial Court has considered the circumstance like long standing land dispute between the complainant and Haribhau. The dispute is admitted. The delay caused in giving of the F.I.R. was not explained and further the statements of the so called eye witnesses were also belated. P.W.2 did not support the case of the complainant though P.W. 3 supported the case to some extent. As per the evidence

of complainant one Vishnu was pillion rider on his motorcycle but he is not examined. Trial Court observed that there was no reason for P.W.2 and P.W.3 to remain present on the spot at the relevant time and their names were given as the chance witnesses. There is no material like the spot Panchanama or the medical evidence in support of the case of the complainant that he was manhandled and assaulted by as many as 6 persons on that day. The complainant has tried to exaggerate the things by giving evidence that the accused persons had intention to finish him and with that intention they were waiting for him on the road. The trial Court has considered the conduct of the complaint. It appears that he has filed 4 similar cases against different persons. Similarly, 4 cases are filed against him by others and he is person who is involved in litigation, in many criminal cases. In view of these circumstances, trial Court has held that reliance cannot be placed on the evidence of the complainant and there is nothing to corroborate the version of the complainant. Nothing can be achieved by giving permission to the State to file appeal.

4. In the result, application is rejected. Leave refused.

[T. V. NALAWADE, J.]

Dt.23/07/2015
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