

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 287 OF 2015
WITH
CRIMINAL APPLICATION NOS. 205 AND 204 OF 2013

Shrikrishna Narayan Devkate **Appellant.**

Versus

The State of Maharashtra & Ors. **Respondents.**

Mr. Satej S. Jadhav, Advocate for appellant.

Mr. K.M. Suryawanshi, APP for State.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**

DATED : 20th March, 2015.

ORDER :

1. The first proceeding is filed against judgment and order of Sessions Case No. 74/2011 which was pending in the Court of Additional Sessions Judge, Ambajogai. It is filed by the original complainant to challenge the decision of acquittal given by the Trial Court for offences punishable under sections 395, 149 etc. of I.P.C. Criminal Application No. 204/2013 is filed by the State for leave to file appeal and the third proceeding is filed by the State for condonation of delay. As there is the appeal of the original complainant for admission purpose, this Court gave hearing to the learned counsel for the appellant.

2. This Court has gone through the reasoning given by the learned Trial Court Judge. It appears that complainant and his family members have made allegations that on the day of incident after 7.30 p.m. all the accused (14 in number) and 25 more persons came to his house, they entered his house, they took away gold ornaments like locket, Ganthan and also cash amount of Rs. 50,000/- from his house and these things were kept in box. Specific allegations were made against accused Baliram, about taking gold ornament and it was contended that there was stone pelting and the motorcycle of the complainant's side was damaged. Private complaint was filed and order was made by the learned J.M.F.C. under section 156 (3) of Cr.P.C. The crime was investigated and the chargesheet was filed.

3. Before the Trial Court the inmates of the complainant were examined and two neighbours were also examined. The neighbours have deposed that it was simply stone pelting and they had not witnessed any accused entering in the house of accused. There was no circumstantial check like the record of medical examination of any witness. The spot panchanama is there, but it shows that there was damage to the motorcycle. The spot panchanama, at the most, can support to the case that

there was stone pelting. Thus, there were interested versions and there were no circumstantial check. In view of these circumstances, the trial Court has acquitted the accused persons. This Court holds that there is no arguable case in appeal. So, the appeal cannot be admitted.

4. In the result, Criminal Appeal No. 287/2015 is dismissed. In view of this order, the other proceedings filed by the State became infructuous and they are disposed of in the same terms.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

ssc/