

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

CRIMINAL APPLICATION NO.379 OF 2015

The State of Maharashtra ... APPLICANT

VERSUS

Dnyandeo Balkrushna Kale & ors. ... RESPONDENTS

.....
Shri K.S. Patil, A.P.P. for applicant/ State
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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, P.W.2 Ravindra, while he was returning from shop, was beaten by the accused persons on the way and then the accused followed him at home and at home also they beat him by wooden log and fist and blows. At the same time, when P.W.1, the complainant Vikas and his father P.W.2 Bhaskar intervened, they also were beaten by kicks and blows. He submits that, there was evidence of independent witness P.W.3 Gangaram available and medical evidence of the injury to P.W.2 Ravindra was available. Learned A.P.P. refers to the injuries from the medical certificate to submit that, looking to such evidence, the acquittal was not

justified.

2. Going through the material available, it can be seen that although P.W.1 Vikas and P.W.4 Bhaskar, brother and father of injured and P.W.2 Ravindra claim to have intervened and that they were also assaulted, there is no medical evidence of these witnesses. Apart from this, although it appears that P.W.2 Ravindra was given Police Yadi to go to the doctor on 29.6.2005, he went to the doctor only on 5.7.2005. The doctor P.W.7 admitted that the injuries of P.W.2 were possible by fall from motorcycle. P.W.5 Shaikh Rashid did not support the prosecution. The trial Court found that there were discrepancies in the evidence of witnesses and the property was also shown to have been seized from witness, but name of the witness was not mentioned. For such reasons, the trial Court came to the conclusion that the offence was not proved, and acquitted the accused. Looking to the acquittal recorded on the basis of reasonings that there is no evidence, no case is made out for interference. Leave is declined. Criminal Application is rejected.

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