

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.654 OF 2015

The State of Maharashtra,
Through Police Station, Wadhavna,
Tq-Chakur, Dist-Latur.

...APPLICANT
(Orig. Complainant)

VERSUS

- 1) Dhondiram Jaiwant Bhosale,
Age-54 years,
- 2) Sharad Dhondiram Bhosale,
Age-29 years,
- 3) Rajkumar Nanasaheb Bhosale,
Age-51 years,
- 4) Manoj Nanasaheb Bhosale,
Age-32 years,
- 5) Bapurao Ashokrao Bhosale,
Age-32 years,

All R/o-Shelgaon, Tq-Chakur,
Dist-Latur.

...RESPONDENTS
(Ori. Accused)

...
Mr. S.D. Kaldate, A.P.P. for Applicant.
None present for Respondents.
...

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

DATE : 24TH JULY, 2015

ORAL ORDER :

1. Heard learned A.P.P. for State. Counsel for Respondents is not present. Perused record.

2. The learned A.P.P. submits that because the complainant took tractor in the field of accused, the incident took place in which the complainant PW-3 Sandeep was injured and he sustained fracture injuries to his left leg. The learned A.P.P. submitted that the trial Court ignored the evidence of other witnesses who corroborated, and wrongly acquitted the accused persons who formed unlawful assembly.

3. I have gone through the material available and reasonings recorded by the trial Court. What is seen from record is that although the incident is stated to be of 24th June 2008 at

5.00 p.m., still the F.I.R. came to be filed only on 26th June 2008. The trial Court had discussed the evidence on this count and found that the delay in lodging F.I.R. has not been properly explained. The trial Court discussed that PW-3 had not stated specific role of accused Nos.2 to 5 in the incident. PW-2 had stated that she did not know about the incident. PW-5 and PW-6 admitted that they had not seen the incident personally. The trial Court discussed evidence that as per version of PW-3 accused No.1 assaulted by stick. PW-4 Shanil and PW-7 Hirkani did not state specific role of the accused Nos.1 to 5 in the incident. The trial Court has referred to discrepancies and recorded reasons for disbelieving the witnesses.

4. The view taken by the trial Court appears to be possible view of evidence looking to the incident and the manner in which it is stated to have taken place.

5. There is no reason to interfere in the
Judgment of the acquittal. The Application is
rejected.

[A.I.S.CHEEMA,J.]

asb/JUL15