

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1349 OF 2014
(The State of Maharashtra Vs. Praveen Subhash Katkar
and others)

Mr. K.D. Mundhe, A.P.P. for the applicant/State
Mr. S.A. Wakure, Advocate for respondents No. 1 to 4

CORAM : M.T. JOSHI, J.

DATE : 14/10/2015

ORAL ORDER :

1. Heard both sides.
2. Aggrieved by the recording of acquittal of the present respondents by the learned Special judge, Osmanabad in Special Case (Atrocity) No. 16/2012, vide judgement and order dated 20.11.2013, from the offences punishable under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and under section 323, 504, 506 read with section 34 of the I.P. Code, the State wants to prefer an appeal and therefore, the present application for grant of leave to file appeal is filed.

3. The prosecution case would show that as accused No. 1 (present respondent No. 1 Praveen) started digging a drainage in front of his house in the neighbourhood of the complainant – Abhijit, the incident has arisen. In the situation, while some of the respondents had insulted the complainant and his family members over their caste, some of them had assaulted and threatened them. The particulars of these acts are given in the complaint.

4. The learned Special Judge has found that there were vast exaggerations. Even some of the witnesses have attributed use of insulting word by the respondents against whom there were no allegations in the prosecution case. The same is the case regarding assault and threatening. Two simple injuries were found on the person of complainant Abhijit and his sister Anita. The Medical Officer has agreed with the probability that the injuries are possible by falling on the ground. In view of all these facts, the learned Special Judge has acquitted the respondents.

5. On going through the reasoning forwarded by the learned Special Judge, I find that the learned Special Judge has taken into consideration each and every aspect of the material before him, the contradictions in the prosecution case and the depositions of the witnesses. In my view, a reasonable and probable view of the material before him, has been taken by the learned Special Judge. In the circumstances, grant of leave to file an appeal would be an exercise in futility. The application for leave to file appeal is, therefore, dismissed.

[M.T. JOSHI]
JUDGE

npj/criapln1349-2014