

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

CRIMINAL APPLICATION NO.1253 OF 2013

The State of Maharashtra
through Public Prosecutor,
High Court of Bombay,
Bench at Aurangabad

... APPLICANT

VERSUS

1. Dhanaji Lahu Gaikwad,
Age 27 years, Occu. Agriculture,
R/o Pimpalwadi, Taluka Paranda,
District Osmanabad.
2. Arjun Lahu Gaikwad,
Age 25 years, Occupation and
R/o as above.
3. Lahu Balnath Gaikwad,
Age 60 years, Occupation and
R/o as above.
4. Jijabai Lahu Gaikwad,
Age 55 years, Occupation and
R/o as above.

... RESPONDENTS

.....
Shri B.L. Dhas, A.P.P. for applicant
.....

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

DATED: 24th February, 2015.

ORAL ORDER :

1. Heard learned A.P.P. for the applicant/ State.
Perused record. According to learned A.P.P., there was quarrel

between the complainant and the accused on the ground of taking cattle to the river, in which abuses on the basis of caste were given. Learned A.P.P. submits that, in spite of evidence, the accused has been acquitted.

2. Perusal of the judgment shows that, the Court considered that investigation in the matter had not been done by Dy. S.P. as required by the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It was also noticed that, although the oral evidence claimed that the assault was by stick, the medical evidence did not show linear marks. Trial Court discussed the differences in versions of the witnesses. It also appears that, one incident is stated to be near the river and another at the house involving other persons like Madhukar, Mangal and his sister Balika had been acquitted in one prosecution. Trial Court considered the evidence and held that, the evidence of the witnesses was full of discrepancies and none of them disclosed day and date of incident. The medical certificate did not appear to be in consonance with medical jurisprudence as identification marks have not been recorded. It has been noticed that independent witnesses had not supported the prosecution. The trial Court came to the conclusion that the accused deserved to be acquitted.

3. Learned A.P.P. is unable to show that from the evidence the above reasonings could not have been recorded. Trial Court has taken a view of the evidence which is possible view. As such, no interference is called for. Criminal Application stands rejected.

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

fmp/cr1253.13