

CRIMINAL APPLICATION NO.1663 OF 2015

1) The State has filed the present application through the Public Prosecutor seeking leave to file an appeal against the judgment and order dated 29.11.2014 passed by the learned Judicial Magistrate, First Class (Court No.4), Sangamner in Regular Criminal Case No.253/2006, whereby the learned Magistrate has acquitted the accused in the aforesaid case, charged for the offences punishable under section 325, 323, 504, 506 read with section 34 of Indian Penal Code.

2) The learned A.P.P. submitted that, the trial Court has not properly appreciated the evidence on record, which has resulted in the improper acquittal of the accused persons. Learned A.P.P. further submitted that PW.1 and PW.4 who both are the victims of the alleged incident have corroborated the evidence of each other pointing out the complicity of the accused persons in the commission of the alleged offence; however, the trial Court has not appreciated the said evidence and on some flimsy grounds, has recored the acquittal.

3) The Record and Proceeding is received from the trial Court. With the assistance of the learned A.P.P., I went through evidence adduced before the trial Court. On perusal of the evidence so adduced, it is apparently revealed that both the witnesses i.e. PW.1 and PW.4 who are said to be the victims of the assault allegedly made by the accused persons have made vague and omnibus allegations against accused persons, and have not attributed the specific role to the accused persons in the commission of the alleged offence. It is also revealed that on material aspects, the evidence of PW.1 is not

corroborated by the evidence of PW.4. I have also gone through the evidence of PW.2 Yesu Khemnari who was cited as an eye witness to the alleged incident. On perusal of his evidence, it is revealed that, his evidence is also of no use in proving the guilt of accused. Nothing incriminating is revealed from the spot panchanama also.

4) After having considered the entire evidence, it does not appear to me that any error has been committed by the trial Court in acquitting the accused persons. I find that the learned Magistrate has taken into consideration each and every aspect of the evidence brought before him and on assessment of the said evidence has taken a reasonable and probable view. 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, rejected.

[P.R.BORA, J.]

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S.P.Rane