

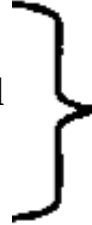
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Revision Application No. 150 Of 2008.

Devakabai Maruti Golhar.

Age : 50 Years., Occ.: Household and
Agriculturist.

R/o.: Kapsi, Taluka – Ashti,
District – Beed.



Applicant.

Versus

(1) The State of Maharashtra.

(2) Shahadeo Maruti Golhar.

Age : 30 Yrs., Occ.: Agriculturist

(3) Mahadeo Haribhau Golhar.

Age: 35 Yrs., Occ.: Agriculturist

(4) Rukhminbai Shahadeo Golhar.

Age: 25 Yrs., Occ.: Agriculturist.

Respondent Nos. 2 to 4

R/o.: Kapsi, Taluka – Ashti,
District – Beed.



Respondents.

Appearance =>

Mr. R.K. Temkar, Advocate [Appointed] for the Applicant.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State of
Maharashtra – Respondent No.1.

CORAM : V.M. Deshpande, J.

DATE : 23rd July, 2015.

O R A L J U D G M E N T :-

Present Criminal Revision Application is filed against the Judgment and Order dated 8th April, 2008 passed by the learned Additional Sessions Judge – 1, Beed, District – Beed in Criminal Appeal No.1 Of 2007, whereby the learned lower appellate court has allowed the Appeal preferred on behalf of Respondent Nos. 2 to 4 and, thereby, set aside their conviction for the offences punishable under Section/s 323 read with 34 of the Indian Penal Code, as passed by the learned Judicial Magistrate, F.C., Ashti, District – Beed on 11th December, 2006 in Regular Criminal Case No.3 Of 2003.

[2] I have heard Mr. R.K. Temkar, amicus curie and the Mrs. S.G. Chincholkar, learned Additional Public Prosecutor for the State of Maharashtra – Respondent No.1, in extenso. Though other respondents were served, nobody represent them. They remained unrepresented before this court.

[3] With the assistance of learned amicus as well as learned Additional Public Prosecutor, I have gone through the Judgment passed by the learned Additional Sessions Judge, Beed.

Reasoning of the learned Additional Sessions Judge shows that, prosecution has utterly failed to prove the injury certificate. Respondent Nos. 2 to 4 were prosecuted for the offence punishable under Section 323 read with 34 of the Indian Penal Code. In that view of the matter, it was but obligatory on the part of the prosecution to prove the injury.

[4] Judgment and Order passed by the learned Additional Sessions Judge in my view, in the given set of fact and the evidence as adduced by the prosecution is permissible one. Merely because other view is possible, well reasoned judgment of the appellate court cannot be set aside. Further the scope of Revision is limited. In the Revision, this court will not normally appreciate the evidence of the prosecution unless it is brought to the notice of the court that view taken by the appellate court is perverse. Such is not case at hand. In that view of the matter, Criminal Revision Application is dismissed.

[5] Legal Services Sub Committee, High Court of Judicature at Bombay, Bench at Aurangabad shall pay Rs.5000/- [Rs. Five Thousand.] to Mr. R.K. Temkar, Advocate towards the professional charges.

Criminal Revision Application is dismissed.

(V.M. DESHPANDE, J.)