

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

CRIMINAL APPLICATION NO. 2463 OF 2013

The State of Maharashtra
Through Police Station Officer,
MIDC Cidco Police Station,
Aurangabad.

...Applicant

versus

1. Jitesh Mukunda Dhabhade
Age 24 years, occu. Labour,
R/o Anand Gade Nagar,
Naregaon, Aurangabad.
2. Manik Rambhau Khandagale,
Age 24 years, Occu. Labour,
R/o Anand Gade Nagar,
Near Hapsi, Naregaon,
Aurangabad.
3. Ravi Rupchand Wahul,
Age 20 years, Occu. Labour,
R/o Anand Gade Nagar,
Near Hapsi, Naregaon,
Aurangabad.

...Respondents

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Mr. B.L. Dhas, A.P.P. for Applicant
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CORAM : A.I.S. CHEEMA, J.

DATED : 12th JANUARY, 2015

Order :-

1. Heard learned Additional Public Prosecutor.
2. Perused the record. It appears that mother of accused No. 2 - Manik had filed complaint against the complainant. In this background present incident dated 15-02-2011 is alleged to have taken place. The complainant claims that accused Nos. 1 and 2 hit him by stone on the

head and near ear, so he received bleeding injury. P.W.2-Vandana is the only witness to support the case of complainant. The trial court had discussed the evidence of P.Ws. 1 and 2 to show the different versions regarding actual incident between two witnesses. The trial court has noted that spot of incident is busy road and no independent witness was examined. Considering the evidence on record, the trial court come to the conclusion that offence is not proved beyond reasonable doubt. Medical certificate Exhibit-21 from the record shows that two simple injuries caused to the complainant one is blunt trauma to head and another blunt trauma to chest. The complainant claims that when P.W.2 tried to intervene the quarrel, she was also beaten. Oral evidence is not supported by medical evidence.

3. In this view of the matter, the evidence available as well as the Judgment and reasonings recorded by the trial Court, the view taken by the trial Court is possible view of the evidence available and once acquittal is recorded, it will not be appropriate to interfere .

4. There is no substance in the application. As such, application stands rejected.

Sd/-

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