

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

CRIMINAL APPLICATION NO.3400 OF 2014

The State of Maharashtra ... APPLICANT

VERSUS

Bhatu Popat Koli & others ... RESPONDENTS

.....
Shri B.L. Dhas, A.P.P. for the applicant / State
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CORAM: A.I.S. CHEEMA, J.

DATED: 29th January, 2015.

ORAL ORDER :

1. Heard learned A.P.P. for the applicant / State. Perused record. Learned A.P.P. submits that, the accused persons had assaulted the complainant and her daughter and in spite of oral evidence being available in this regard, the accused persons have been acquitted.

2. If the case of prosecution and the oral evidence brought on record by prosecution is considered, the incident claimed is that, Vaishali was beaten by accused Nos.2 to 4 by kicks and blows and her hair were pulled and bunch of hair had

come out. If the medical certificate in this regard available with the A.P.P. is perused, it shows mild swelling on lateral side of head due to pulling of hair, but no other injuries are there. The learned A.P.P. agrees that although there is evidence that the complainant was also physically assaulted, still no medical certificate was available regarding the complainant. The trial Court considered the fact that although complainant claimed that she had gone to the outpost for two days and claimed that there was no police official and so complaint could not be filed, the fact remained that the complainant did not go to the police station and subsequently moved the Magistrate under Section 156(3) of the Code of Criminal Procedure. The trial Court has assessed the evidence and came to the conclusion that the evidence was not reliable for convicting the accused persons.

3. Going through the reasonings recorded by the trial Court, learned A.P.P. is unable to convince that the reasons do not get support from evidence. As the accused have been acquitted, no case is made out to interfere with the same. The application is rejected.

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