

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3498 OF 2013

The State of Maharashtra,
Through PSO, Pahur Police
Station, Dist-Jalgaon.

...APPLICANT
(Orig. Complainant)

VERSUS

Ashok Madhavrao Chitte,
Age-60 years, Occu:Agri.,
R/o-Tondapur, Tq-Jamner,
Dist-Jalgaon.

...RESPONDENT
(Orig. Accused)

...
Mr.B.L. Dhas, A.P.P. for Applicant.
Mr.B.R. Warma Advocate for Respondent.
...

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

DATE : 6TH JANUARY, 2015

ORAL ORDER :

1. Heard learned A.P.P. for State and learned
counsel for Respondent - original Accused,
finally. Perused record.

2. It appears that due to filing of some criminal case earlier, the incident is alleged to have taken place on 29th July, 2009. The complainant alleged that the accused picked up the quarrel and hit brick on his head. The learned A.P.P. submits that there was medical evidence that the complainant had injury to his head and there was evidence of the complainant, but still the trial Court disbelieved the same and wrongly acquitted the accused.

3. The learned counsel for Respondent-accused has taken me through the evidence available on record as well as the reasonings recorded by the trial Court to submit that the evidence has been properly appreciated by the trial Court and thus there is no necessity to interfere with the findings of acquittal. The learned counsel pointed out the evidence of PW-3 Dnyaneshwar which shows that at the concerned time

there was a fight going on at the spot. Learned counsel submitted that the medical evidence shows that the Doctor admitted that injury concerned of the complainant could be possible by fall also. It has been argued that there is no corroborative evidence to the complainant that the accused hit brick on the head of the complainant. The evidence of PW-3 Dnyaneshwar and PW-6 Digambar is hardly of any help to the prosecution and the other witness Ishwar Salve examined, was not witness of the incident. According to the learned counsel for Respondent, the reasons recorded by the trial Court are possible view on the evidence available and no interference is called for.

4. Going through 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 looking to the fact that

the view taken by the trial Court is a possible view.

5. There is no substance in the Application.
The Criminal Application stands rejected.

[A. I. S. CHEEMA, J.]

asb/JAN15