

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 463 OF 2004

Kalyan S/o Ramsaheb Kolhe
Age 41 years, Occupation – Medical
Practitioner. R/o Jamkhed,
District Ahmednagar

.. Appellant
(Orig.

Complainant)

Vs.

1] Eknath S/o Bhimrao Munde
Aged Major, Occupation – Government
Service, R/o Beed Road, Jamkhed,
District Ahmednagar (Orig. Accused)

2] State of Maharashtra

.. Respondents

None present for the appellant
Mr. P.N. Muley, A.P.P. for the respondent/State

CORAM : M.T. JOSHI, J.
DATE : 20/08/2015

ORAL ORDER :

None appears for the parties, except the
learned A.P.P.

2. The earlier order shows that nobody had
appeared for the appellant and respondent no.1 on the
last date also.

3. Heard learned A.P.P. Perused the record.

4. Aggrieved by the judgment and order dated 18/10/2003 passed by the learned Judicial Magistrate First Class, Patoda, in S.C.C. No. 524 of 1996, acquitting the present respondent no.1 from the offences punishable under section 323, 504, 506 of the Indian Penal Code, the present appeal is preferred by the original complainant.

5. The case of the present appellant-complainant, in short, is as under:-

. That on 06/10/1996 at around 6.00 pm, in the vicinity of Pithi Nagar rest house, present respondent no.1 has voluntarily caused hurt to the complainant, caused provocation and threatened to cause injury to the appellant-complainant.

. According to the complainant, on the day of the incident, he approached the Police Station, Patoda along with one Mahadeo Pawar and Avinash Pawar. The Police however have refused to accept the written complaint. According to the complainant, he approached

the Police Station on 19/10/1996 while the incident has allegedly taken place on 6/10/1996. The complainant has sent an application, explaining these facts to the Health Minister and to other authorities regarding the incident.

6. The learned Judicial Magistrate First Class, Patoda did not accept the said explanation. According to the complainant, nobody has witnessed the said incident as the same took place in the verandah of the rest house. P.W. 3 - Mahadeo has deposed that after hearing the hue and cry, he went to the place of occurrence and thus, according to the learned Judicial Magistrate First Class, even he has not witnessed the incident of slapping etc. The specific insulting words were also not deposed to by the appellant - complainant and in the circumstances, the respondent no.1 came to be acquitted.

7. Upon going through the record, in my view, a reasonable and probable view has been taken by the learned Judicial Magistrate First Class, Patoda. In the result, the following order:-

8. Criminal appeal is hereby dismissed.

[M.T. JOSHI]
JUDGE

arp/