

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, Court's or Judge's orders.
--	--	--

CRIMINAL APPLICATION NO. 4032 OF 2014

THE STATE OF MAHARASHTRA
VERSUS
PANDHARINATH PIRAJI GARBADEBADE AND OTHERS

...
APP for Applicant : Mr. S. A. Ambad.
Advocate for Respondent : Mr. Tilve S. P.

CORAM: T. V. NALAWADE, J.
DATED: 5th August, 2015.

PER COURT:

1. The application is filed for grant of leave to file appeal against the judgment and order passed by learned J.M.F.C., Aurangabad in R.C.C. No1508 of 2008. The learned J.M.F.C. has acquitted the Respondents of the offences punishable under sections 143, 147, 148, 323, 324, 336, 504, 506, 149 of I.P.C. and section 135 of Bombay Police Act. Heard learned A.P.P. Seen the judgment.
2. The Respondents are neighbours of the complainant (P.W.2). The Respondents own one garment

shop. They had suspicion that a minor girl from the house of the complainant had stolen some articles from their shop and so quarrel was going on. There are allegations that on the date of the incident i.e. 6th February, 2008 all the accused came to the house of the complainant, they pelted stones at the house and then they assaulted at-least 4 persons from the house of the complainant. The report was given on the same day and the injured persons were referred for medical examination. Kadubai had received injury to her upper lip and one witness had sustained abrasion and both the injuries were simple injuries.

3. The learned Presiding Officer of the trial Court has held that all the witnesses were interested witnesses and there was reason for false implication. Even the Panch witness, on the Spot Panchanama, had gone to the police station with the first informant for giving the report and so no attempt made to collect independent witnesses by the police. The trial Court has discussed inconsistency with regard to time. The trial Court has discussed the evidence and it is observed that there are no specific allegations against the accused with regard

to specific injuries caused on the persons of the two injured witnesses. M.L.C. In respect of only two witnesses were produced. The aforesaid record shows that it was a minor incident and it was a quarrel between two neighbours and the trial Court has given benefit of doubt to the accused. This court holds that nothing can be achieved by giving permission to file appeal. The application is rejected. Leave is refused.

[T. V. NALAWADE, J.]

Dt.05/08/2015
ans/4032