

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

CRI. REVN. APPLN. NO.: 242 OF 2003

Sou. Pushpa W/o. Suresh Parkar,
Age: 45 years, Occupation: Service,
R/o. N-3, 136, 137, CIDCO,
Aurangabad.

... **PETITIONER**

VERSUS

1. The State of Maharashtra.
Through the Government Pleader and
Public Prosecutor, High Court,
Aurangabad.

2. Kailas S/o Nanasaheb Pawar,
Age: 34 years, Occupation: Builder,
R/o. N-5, Plot No.20, CIDCO,
Satyamnagar, Aurangabad.

... **RESPONDENTS**

Mr. A. D. Sugdare, Advocate for the Petitioner.
Mr. S. A. Ambad, APP for Respondent No.1.

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CORAM:- T. V. NALAWADE, J.
DATED:- 2nd JULY, 2015.

JUDGMENT:

1. The Revision is filed to challenge the judgment and order of acquittal given by learned J.M.F.C. (Railway), Aurangabad in S.C.C. No.903 of 2002. The learned Judicial Magistrate, First Class has acquitted the respondent of the

offences punishable under sections 294, 509, 506 of I.P.C. Heard learned counsel for the Petitioner and seen the record.

2. Case was filed by police for aforesaid offences on the basis of report given by the present petitioner. Present petitioner has made allegations in the report that the respondent, accused used to give threatening calls to her and also to her husband. There was some dispute of civil nature between the respondent and the husband of the complainant. Allegations are made that on 28th November, 2002 at about 02.00 p.m. when she was present in her house, the accused gave her call on her phone No.487720 and gave abuses to her in filthy and obscene language and also gave threat of life. She gave the report to police after return of the husband to home and the crime came to be registered at 20.45 hours. During investigation police recorded the statement of husband and also prepared spot Panchanama.

3. The accused pleaded not guilty. The complainant was examined and her evidence is as per the aforesaid contentions. It is brought on record that there was dispute of civil nature and huge amount was given by the accused

to the husband of the complainant for one transaction when the land was not standing in the name of her husband. It is her case that all the amount was returned by the husband but it is suggested by the defence counsel that the amount of more than Rs.10 Lakh was still with the husband and to pressurise the accused and to see that he does not demand that amount such report was given against the accused.

4. The judgment of the Magistrate shows that it is observed that there is no independent evidence much less the record of telephone to show that at the relevant time accused had talked with the complainant on phone. The learned Judicial Magistrate, First Class has observed that the versions of the complainant and her husband are interested versions and as there is no independent corroboration, it is not possible to give conviction for aforesaid offence. This Court sees no reason to interfere in the finding given by the learned Judicial Magistrate, First Class and that is the possible view in the matter. Considering the scope of the present proceeding, this Court holds that it is not possible to interfere in the decision given by the learned Judicial Magistrate, First Class.

5. In the result Criminal Revision Application stands dismissed.

[T. V. NALAWADE, J.]

Dated:02/07/2015.
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