

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.4918 OF 2014**

The State of Maharashtra,  
Through Police Station Officer,  
Newasa Police Station,  
Tq-Newasa, Dist-Ahmednagar.

**...APPLICANT**  
**(Ori. Complainant)**

**VERSUS**

- 1) Parashram Trimbak Gore,  
Age-57 years, Occu:Agri.,
- 2) Rajendra Parashram Gore,  
Age-35 years, Occu:Agri.,
- 3) Balasaheb Parashram Gore,  
Age-30 years, Occu:Agri.,
- 4) Rukhmini Parashram Gore,  
Age-30 years, Occu:Agri.,

All R/o-Georai, Tq-Newasa,  
Dist-Ahmednagar.

**...RESPONDENTS**  
**(Ori. Accused)**

...  
Mr.D.V. Tele Advocate for Applicant.

...

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

**DATE : 6TH FEBRUARY, 2015**

**ORAL ORDER :**

1. Heard learned A.P.P. for State. Perused record.

2. The learned A.P.P. submits that leave needs to be granted as in this matter there was oral evidence of the complainant Kakasaheb as well as there was evidence of one Gigandev Mohan Chavan and medical evidence was also available regarding grievous injury. He submits that the trial Court wrongly acquitted the accused.

3. Going through the material available on record, it can be seen that for a petty reason the incident is stated to have taken place. The Trial Court has discussed the evidence brought on record and also noticed that there was delay in filing of first information report of 26 days. The plea taken for delay was that the medical certificate was not received in the Police Station

and so earlier only N.C. was recorded. The trial Court observed that the date mentioned on the medical certificate was 16th December 2002 and thus the medical certificate was issued on the same day when the report about the incident was lodged. The trial Court noticed that in the papers of police, there was yet another report of the informant which gave a complete different story of the incident. The trial Court observed that on the Occurrence signature of the informant was not there. Trial Court observed that investigating officer was not examined, and in the circumstances of the matter, the accused were prejudiced. For such reasons the trial Court found that the prosecution failed to prove the offence.

4. Looking to the reasonings recorded and the fact that the learned A.P.P. is unable to controvert the reasonings of the trial Court on the above counts, I do not find any reason to interfere in the Judgment of the acquittal.

5. For the reasons stated above, the Criminal Application is rejected.

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

asb/JAN15