

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4482 OF 2013

The State of Maharashtra,
Through City Police Station,
Shrirampur, Dist-Ahmednagar.

...APPLICANT
(Orig. Complainant)

VERSUS

Ramdas Eknath Take,
Age-45 years, Occu:Grocery Shop,
R/o-Shirasgaon, Tq-Shrirampur,
Dist-Ahmednagar.

...RESPONDENT
(Orig. Accused)

...
Mrs.S.D. Shelke, A.P.P. for Applicant - State.
Mr. K.N. Shermale Advocate for Respondent.
...

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

DATE : 14TH JANUARY, 2015

ORAL ORDER :

1. Heard learned A.P.P. for State and learned
counsel for Respondent. Perused record.

2. The learned A.P.P. is pointing out that oral evidence of the complainant and his father regarding the incident was supported by medical evidence but the trial Court has wrongly acquitted the accused.

3. The learned counsel for Respondent pointed out the reasonings recorded by the trial Court to submit that there are various contradictions and omissions in the evidence of PW-1 complainant and it is submitted that the trial Court has rightly acquitted the accused person. He submitted that there was earlier dispute of boundary, between the parties. The counsel submits that no independent witness was examined.

4. The learned A.P.P. submitted that earlier dispute can be reason for the present incident also and thus that by itself is no reason to acquit the accused. Minor differences in versions

are given undue importance by trial Court.

5. Looking to the material pointed out, there is arguable case, which requires this Court to reconsider and re-appreciate the evidence. As such leave is granted. The Application is allowed. Application be converted into Appeal.

6. Appeal is **Admitted**.

7. Mr. Shermale, learned counsel waives service of notice on behalf of Respondent, after admission of the Appeal.

8. Action under Section 390 of Cr.P.C. be taken against Respondent-accused in the trial Court and call report.

9. Paper Book be got prepared.

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