

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

CRIMINAL APPLICATION NO.5214 OF 2014

The State of Maharashtra ... APPLICANT

VERSUS

Appa alias Mahadu Radappa Nagapure
and others ... RESPONDENTS

.....
Shri B.L. Dhas, Advocate for applicant
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CORAM: A.I.S. CHEEMA, J.

DATED: 9th February, 2015.

ORAL ORDER :

1. Heard learned A.P.P. for the applicant / State.
Perused record. Learned A.P.P. submits that, the
Grampanchayat had permitted laying of pipeline and the pipeline
of complainant was damaged by the accused and when the same
was being re-laid, the incident occurred, in which the accused

persons abused the complainant on the basis of caste.

2. The judgment of the trial Court shows that, the original caste certificate was not proved and it was only produced at the fag end of the trial. Trial Court discussed that regarding the incident there was evidence only of P.W.1 Kantabai, P.W.2 Dipak and P.W.5 Neha. Dipak is son of complainant and Neha is daughter-in-law. The trial Court discussed that the complaint did not mention that abuses were heard by witness other than her family members. The trial Court observed that the F.I.R. did not mention that the abuses were witnessed by one Pramila Dhanvate. The appreciation of evidence by the trial Court is that the other evidence did not show that P.W.5 Neha was present at the time of the incident. The trial Court did not rely on the evidence brought by the prosecution observing that the prosecution failed to examine any independent witness to establish the offence. The trial Court found that the evidence was that the accused came and assaulted Kantabai and other prosecution witnesses by different weapons, but the act of each of the accused was not brought on record. The trial Court noticed that there were admittedly strained relations and there was evidence of P.W.2 Dipak accepting that the water pipeline was being laid on land which belonged to accused No.1 Mahadu.

Appreciating the evidence, the trial Court did not believe the witnesses relied on by the prosecution and acquitted the accused.

3. The learned A.P.P. is unable to show that the reasonings recorded do not find support from the evidence. Looking to the judgment of acquittal, no ground is made out to grant leave. Criminal Application is rejected.

(A.I.S. CHEEMA, J.)

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