

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4738 OF 2015

The State of Maharashtra,
through Police Station Officer,
Police Station, Washi,
Tq. Washi and Dist. Osmanabad ..Applicant

Versus

Sunil Shivaji Bhandwale,
Age 42 years, Occ. Agri.,
r/o. Washi Bhandwale Vasti,
Tq. Washi, Dist. Osmanabad
and two others ..Respondents

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Mr.N.T.Bhagat, APP for applicant - State

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CORAM : M.T. JOSHI, J.
DATE : DECEMBER 07, 2015

PER COURT :

Heard learned A.P.P. for applicant – State.

2] Aggrieved by the acquittal of the respondents
from the offences punishable under Section 447,
341, 504, 506 and 34 of Indian Penal Code in
R.C.C. No.67 of 2012 by learned Judicial

Magistrate F.C., Washi, Dist. Osamnabad, the State wants to prefer an appeal and therefore, present application for grant of leave to file appeal, is filed.

3] The complainant's case, in short, is that on 15th April, 2010 at about 11:00 a.m. in the morning, while his son Ashok along with certain laborers were putting wire fencing to his field, at that time, present respondents/accused came there and questioned, why they are putting fencing. The respondents also abused the complainant and compelled to stop the work. They also threatened the complainant of his life.

4] In all six witnesses were examined before the learned Judicial Magistrate F.C. The learned Judicial Magistrate F.C. took into consideration the statement of the brother of the complainant namely, Laxman that only verbal exchange had

occurred and the matter went upto the police station. Further there was improvement in the version of the complainant in the witness box, above the statements made in the FIR. The other prosecution witnesses had good relations with the complainant. In fact, admittedly, the dispute was regarding the boundary over which, the alleged incident has occurred. Considering all these facts, learned Judicial Magistrate F.C. has acquitted the respondents.

5] Since the reasons forwarded by learned Judicial Magistrate F.C. are based on the basis of the material placed before him, the same cannot be called as unreasonable. Grant of leave to file an appeal would, therefore, be an exercise in futility. Present application is rejected. Leave refused.

[M.T. JOSHI, J.]

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