

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

CRIMINAL APPLICATION NO.5256 OF 2014

The State of Maharashtra
through Police Station, Ambi
Tq. Paranda, Dist. Osmanabad ... APPLICANT

VERSUS

1. Vidyasagar Uttam Chawhan
Age 40 years, Occ. Agri.
2. Uttam Manik Chawhan (DEAD)
3. Akkabai Vidyasagar Chawhan,
Age 35 years, Occu. Agri.

All R/o Chinchapur (Bk.),
Tq. Paranda, Dist. Osmanabad ... RESPONDENTS

.....
Shri K.S. Patil, A.P.P. for applicant
.....

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 although there was evidence

of assault and causing of grievous hurt to the complainant Dattu and there was medical evidence in support, as also evidence that the complainant was admitted in the hospital for four days as there was fracture and the complainant had various injuries, still the trial Court acquitted the accused only because, P.W.2, the wife of complainant did not support, forgetting that P.W.2, the wife of complainant was sister of accused No.1 Vidyasagar. He submitted that, although the complainant was admitted in hospital with serious injuries, the family did not file any complaint due to the relations and it was only when the doctor informed police that offence came to be registered. Thus, according to him, the family did not want to proceed against the accused persons due to relations, but the complainant who was the real victim, was ignored.

2. Looking to the submissions and the record, there is arguable case. Leave is granted. Application is converted into appeal.

3. Appeal is **admitted**.

4. Paper Book be got prepared.

5. Action under Section 390 of the Code of Criminal Procedure be taken against respondent No.1 Vidyasagar Uttam Chawhan and accused No.3 Akkabai Vidyasagar Chawhan in the trial Court and short compliance report be called.

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

fmp/cr15047.13