

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5483 OF 2014

The State of Maharashtra
through Police Station (Rural),
Latur, District Latur

APPLICANT

VERSUS

1. Sayyed Khudboddin Wahabsab,
Age : 36 years
2. Sayyed Shahin w/o Khudboddin,
Age : 35 years
3. Sayyed Khaled Wahabsab,
Age : 34 years
4. Sayyed Wahabsab Khudboddin,
Age : 68 years
5. Sayyed Fahamida Khaled,
Age : 28 years
6. Mojawar Shakil Saheb,
Age : 36 years,

All r/o Anjali Nagar,
Latur

RESPONDENTS

Mr. V.P. Kadam, A.P.P. for the applicant/State
Mr. A.A. Yadkikar, Advocate for the respondents

CORAM : M.T. JOSHI, J.

DATE : 28/09/2015

ORAL ORDER :

1. Heard both sides.

2. Aggrieved by the recording of acquittal of the present respondents from the offences punishable under section 323, 504, 506 read with section 149 of the I.P. Code and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under section 7 (1) (d) of the Protection of Civil Rights Act read with section 149 of the I.P. Code, the State wants to prefer an appeal and therefore, the present application for grant of leave to file appeal is filed.

3. The hearing from both the sides as well as reading of the reasoning of the learned Sessions Judge would show that there was vast contradiction as regards the incident, between the oral deposition of the complainant and the private complaint filed by him at Exhibit-55. In the complaint, the complainant has recited that all the present respondents assaulted him with fist blows, kick and foot-wear while his oral deposition was of slapping.

. Further, admittedly, at the time of alleged incident, five labours were working at the spot of incident. These independent witnesses, however, were

not examined. The learned Sessions Judge has also taken into consideration further contradiction in the version of PW4 Jeevan who found to be close relation.

4. Since the learned Sessions Judge has taken reasonable and probable view of the material before him, grant of leave to file appeal would be an exercise in futility. In the circumstances, leave to file an appeal is hereby refused. The application is, therefore, dismissed.

[M.T. JOSHI]
JUDGE

npj/criapln5483-2014