

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5677 OF 2014

The State of Maharashtra
at the instance of P.I. Shrigonda
Police Station, Shrigonda

.. Applicant
(Orig. Complainant)

Vs.

Suban Dilip Tamboli,
Age : 22 years, R/o : Adhalgaon,
Tal. Shrigonda, Dist. Ahmednagar

.. Respondent
(Orig. Accused)

Mrs. R.K. Ladda, A.P.P. for the applicant/State
Mr. Vishnu B. Madan, Advocate for the respondent

CORAM : M.T. JOSHI, J.
DATE : 26/10/2015

ORAL ORDER :

1. Heard both sides.
2. Aggrieved by the acquittal of the present respondent from the offences punishable under section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, 7(1)(d) of Protection of Civil Rights Act, 1955 and under section 323, 504, 506 of the Indian Penal Code, the State wants to prefer the appeal and therefore the present application for leave to file appeal is filed.

3. The prosecution case is that on 23/3/2011, at about 3:30 pm, the present respondent had insulted the complainant over his caste and voluntarily caused him simple hurt at Shrigonda over the earlier political dispute.

4. The prosecution has examined two eye witnesses in support of their case and the Medical Officer.

5. The Medical Officer has found one contusion over the left chest and tenderness over mandible. The Medical Officer had agreed with the defence that these injuries are possible by falling on the ground. Two eye witnesses examined by the prosecution did not support the prosecution. PW4 - Sharad Jamdade merely stated that he has seen that certain quarrel was going on between the complainant and the respondent while witness Kiran Band denied to have witnessed any incident.

6. The learned Special Judge cum Assistant Sessions Judge took into consideration the contradictions in the deposition of the complainant himself qua the prosecution case and finding the above

material, acquitted the respondent.

7. Upon hearing both sides, in my view, the learned Special Judge has taken a reasonable and probable view on the basis of the material before him, as detailed supra. In the circumstances, leave to file appeal is refused. Application accordingly is dismissed.

[M.T. JOSHI]
JUDGE

arp/