

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

CRIMINAL APPEAL NO. 645 OF 2014

Mahadu Lahanu Waghmode

..APPELLANT

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. Ashwin V. Hon, Advocate for appellant.

Mr. S.B. Pulkundwar, A.P.P. for Respondent No.1-State.

....

CORAM : M.T. JOSHI, J.

DATED : 24th NOVEMBER, 2015

ORAL ORDER :

Heard. Perused the reasoning forwarded by the learned 4th Judicial Magistrate First Class, Shrigonda while acquitting the Respondent Nos. 2 to 5 from the offences punishable under Sections 323, 447, 504, 506 r/w 34 of the Indian Penal Code.

2. The reasoning of the learned 4th Judicial Magistrate First Class, Shrigonda would show that the appellant and his real brother were only examined and the prosecution case shows that independent witnesses would also be available. The long standing enmity between the complainant and the respondent regarding the

boundaries of the field is an admitted fact. No external injuries were seen on the present complainant. Though it was alleged that on the date of incident, F.I.R. is filed with the Shrigonda Police Station, copy of the same was not collected and filed. In view of the material on record, the learned 4th Judicial Magistrate First Class, Shrigonda extended reasonable benefit of doubt to acquit the Respondent Nos.2 to 5.

3. Since a reasonable and probable view of the material on record is taken by the learned J.M.F.C., ultimately no interference in the reasoning would be possible in the present appeal against acquittal.

4. Accordingly, the present appeal is dismissed.

(M.T. JOSHI, J.)