

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6090 OF 2013
(The State of Maharashtra Vs. Arjun Sitaram Koli and others)

Mr. B.A. Shinde, A.P.P. for the applicant/State
Mr. S.S. Gangakhedkar, Advocate for respondents
No. 1 to 4

CORAM : M.T. JOSHI, J.
DATE : 14/10/2015

ORAL ORDER :

1. Heard both sides.
2. The reasoning forwarded by the learned Additional Sessions Judge, Shahada in the impugned order dated 26.02.2013, passed in Sessions Case No. 14/2009 would show that the name of one Iccharam is mentioned by the witnesses beyond the prosecution case.
- . It is also further to be noted that neither the Investigating Officer had deposed that the injured witnesses were referred to the Medical Officer, nor any Medical Officer is examined to prove any injury. The enmity between the complainant side and the respondents/accused was stated in the complaint itself.

In the circumstances, acquittal of the respondents from the offences punishable under section 324, 323, 504 and 506 read with section 34 of the I.P. Code cannot be called as perverse one.

3. The reasoning of the learned Sessions Judge would show that he has taken into consideration all the material evidence on record and taken a reasonable and probable view. In that view of the matter, the reasoning of the learned Sessions Judge cannot be interfered with and therefore, leave to file an appeal is refused. The present application is accordingly rejected and disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln6090-2013