

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

**Criminal Application No.6203 of 2013
With
Criminal Application No.6204 of 2013**

The State of Maharashtra.

.. Applicant.

Versus

Nana Raoji Nagwade & Another.

.. Respondents.

Smt. R.K. Ladda, Additional Public Prosecutor, for
applicant.

Respondent Nos.1 and 2 served - absent.

CORAM: T.V. NALAWADE, J.

DATE : 22nd JULY 2015

ORDER:

1) The application is filed for condonation of delay of 26 days caused in filing appeal against the judgment and order of R.T.C. No.56/2004 which was pending in the Court of Judicial Magistrate, First Class, Ahmednagar. Other side is duly served but nobody has turned up. In view of the contents of the application and the submissions made, this Court holds that sufficient cause is shown. Application is allowed, delay is condoned.

2) The application is filed for grant of leave to file appeal against the judgment and order of R.T.C. No. 56 of 2004 which was pending in the Court of Judicial Magistrate, First Class, Ahmednagar. The accused are acquitted in a police case filed for offences punishable under sections 324, 323, 504, 34 of the Indian Penal Code. Heard learned Additional Public Prosecutor. Seen the judgment.

3) The incident in question took place on 26-4-2005 at 5.00 p.m. The evidence shows that there was some dispute regarding money. The witnesses who have given evidence, are close relatives of the complainant and it is alleged that Machindra, real brother of complainant, that in respect of the money to the accused and there was dispute and due to that the incident in question took place. Different versions are given about money also. One witness has stated that money was given in respect of land, one witness deposed that the money was given in respect of well and one witness has given evidence that money was given by Machindra for marriage of daughter of one of the accused. Different versions are given in

respect of the place of incident also. The complainant deposed that the place of incident was near the house of accused No.1. PW 8 Machindra deposed that the spot of incident is in courtyard of his hut. Machindra deposed that he was in his hut and he was pulled out of the hut.

4) The medical evidence shows that simple injuries like contusions and abrasions were sustained by two ladies and the complainant. The complainant had sustained two simple injuries on the forehead and right hand. Though the complainant has alleged that bleeding injury was caused, the clothes having blood stains were not produced. There was no blood on the spot. Weapons used were also differently described by the witnesses like wooden stick, wooden log, iron rod.

5) In view of nature of evidence the trial Court has given benefit of doubt. Nothing can be achieved by grant of leave to the State to file appeal. In the result, the application is rejected. Leave is refused.

Sd/-
(T.V. NALAWADE, J.)

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