

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

Criminal Application No.6206 OF 2013
In
Criminal Application No.6205 of 2013

The State of Mharashtra.

....Applicant.

Versus

Dhondiba Nathu Bibawe
And Another.

....Respondents.

Shri. S.A. Ambad, Additional Public Prosecutor for applicant.

Shri. P.V. Barde, Advocate for respondents.

CORAM : T.V. NALAWADE, J.
DATED : 22nd July, 2015.

PER COURT :

1. The application is filed for grant of leave to file appeal against the judgment and order of Sessions Case No.16 of 2007 which was pending in the Court of Additional Sessions Judge (Special Judge appointed under the Atrocities Act) Sangmner, District-Ahmednagar. Heard the learned Additional Public Prosecutor. Seen the judgment.

2. There is allegation against the respondents that in the incident dated. 29/11/2005 the accused gave abuses to the complainant and his family members by taking the

name of caste which is a Scheduled Caste and the incident took place in the filed belonging to the complainant. One more incident dated 23/12/2005 is also described and it is contended that on that day also abuses were given by taking the name of the caste.

3. The prosecution examined members of family of the complainant, interested witnesses. Even the name of PW No.4 and 5 were not given in the FIR. There was inconsistency found in the evidence given by the prosecution witnesses. Two different incidents were described but no reason was given as to why complaint was not immediately given after the first incident. It is clear admission is given by complainant that he had taken advice of one Advocate and the Advocate had advised him to file case under special enactment to compel the accused persons to hand over the property, some portion of the land. Considering all the possibilities and probabilities the trial Court has acquitted the accused. Nothing can be achieved by granting leave to the State to file appeal. In the result, the application is rejected. Leave is refused.

[T.V. NALAWADE, J.]

mnp/