

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

Criminal Application No.6209 OF 2013
With
Criminal Application No.6208 of 2013

The State of Maharashtra.

....Applicant.

Versus

Vitthal Suresh Joshi.

....Respondent.

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

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 RCC No.1020/2011 which was pending in the Court of the Judicial Magistrate, First Class, Jalna. The accused were tried for the offences punishable under sections 323, 504 of Indian Penal Code. Heard learned Additional Public Prosecutor. Seen the judgment delivered by the trial Court.

2. The incident in question took place on 11-6-2011 at about 9.00 a.m. in the fields of the accused and the complainant. It is alleged that the accused had set fire to his grass which was on the boundary of the field and when

the complainant questioned the act of the accused, abused were given to him by the accused. The accused inflicted bite injury to the middle finger of left hand of the complainant. Allegations are made that some abuses were given to the complainant's witnesses in the incident.

3. In the trial Court six witnesses were examined. The doctor is examined but the medical certificate which is discussed by the trial Court shows that the exact injury and the portion of the exact limb were not described in the MLC by the doctor. Further the doctor has admitted that such injury can be sustained if a finger comes in the clutches of door. The trial Court has acquitted the accused by considering the inconsistency in the evidence of the witnesses and the evidence given by the witnesses the fine of the accused. In view of the nature of the evidence this is Court hold that nothing can be achieved by granting leave to the State to file the appeal. In the result, the application is rejected. Leave is refused.

[T.V. NALAWADE, J.]

mnp/