

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. REVISION APPLICATION NO. 151 OF 2001

Suresh Mahadev Rahate & Anr.

... Petitioners/
Applicants.

V/s.

Ashok Madhusudan Mulay & Ors.

... Respondents.

Mr. Dushyant Pagar i/by R.S. Datar, Advocate for the
Petitioners/ Applicants.

Mr. V.B. Konde-Deshmukh, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 19 JANUARY, 2015

P.C. :

1 Heard learned counsel Mr. Dushyant Pagar holding
for Mr. Datar, Advocate for the Petitioners/Applicants. Since
Mr. Datar has no instructions from the applicants, he is
discharged.

2 This revision application is filed to challenge the
order of the Judicial Magistrate, Ratnagiri dated 5th February,
2001, acquitting the respondent nos. 1 and 2 (original accused
nos. 1 and 2) of the offences punishable under sections 325,
324 and 323, 504 and 506 read with 34 of the Indian Penal
Code. The incident in question had occurred on 18th July 1998
at 8 a.m.. It is alleged that respondent nos.1 and 2 had

assaulted the first informant, his father and his wife by means of sickle and sticks. They had also caused voluntary hurt to the said three persons and had criminally intimidated them by extending threats to them. The evidence of three witnesses was recorded by the trial Magistrate and it was held that there were lot of inconsistencies in the evidence of three witnesses. It has come on record that the evidence of injured witness – Mahadev Rahate did not corroborate with the version of Suresh and his wife Vanita. Suresh and Vanita have given totally contrary versions / evidence as compared to the evidence of Mahadev. It has also been recorded by the learned Magistrate that the medical evidence is not consistent with the eye witness version. The third cause for the acquittal is the delay in lodging the FIR.

3 After having gone through the judgment of the learned Magistrate, I am of the opinion that the view taken by the learned Magistrate was one of the most possible views. It does not require any interference.

4 Before I part with the order, it may be mentioned here that none had appeared on behalf of the applicants / petitioners as learned Advocate Mr. Datar has withdrawn his Vakalatnama filed on behalf of the applicants/ petitioners. None had appeared on behalf of the respondent nos. 1 and 2 also though they have been served.

5 As already stated, after having gone through the judgment and order of the learned Magistrate, I do not find any infirmity in the said judgment. It does not call for any interference.

6 Revision Application is, therefore, dismissed.

(JUDGE)

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