

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

CRIMINAL APPLICATION (ALS) NO.13 OF 2015

The State of Maharashtra ..Applicant
V/s.
Amrut Gurulingappa Kalli & Anr. .. Respondents

Mrs.P.P.Bhosale, APP for applicant/appellant-State.
None present for respondents.

CORAM : A. R. JOSHI, J.
DATE : 28TH AUGUST 2015

P.C.

1. Heard learned APP for the State on this application for leave to file appeal challenging the acquittal of the respondents in the matter of offences punishable under sections 323,324,504 and 506 read with section 34 of Indian Penal Code.

2. The case of the prosecution is that there was altercation between P.W.No.1 and his relatives on 3rd November 2007 on or about 8.00 a.m. in front of his house. During the said incident the respondent-accused assaulted the complainant and his wife and other relatives by wooden log. According to the case of the prosecution some independent witness also seen the assault. What influenced the trial Court

was the hostility of P.W.No.5,6 and 7 and the admission given by the Medical Officer as to possibility of the injuries sustained by the other witnesses, by falling down and stumbling on some heavy blunt object. The trial Court was also influenced by the admitted position that there were quarrels and disputes over the immovable property situated by the side of the house of the complainant and due to which there were strained relations with the accused persons. The trial Court also held that the seizure panchnamma Exh.32 was not proved. As such trial Court came to the conclusion as to failure of prosecution to establish the charges and hence acquitted the accused persons.

3. Considering the substantive evidence of prosecution witnesses and the reasoning given by the trial Court, it cannot be said that the order of trial Court is of such a perversity nature so as to interfere with by allowing the State to re-agitate the matter in the appeal. In the result the present application for leave to file appeal is dismissed and accordingly disposed of.

(A. R. JOSHI, J)