

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

CRIMINAL APPLICATION (ALS) NO.96 OF 2014

The State of Maharashtra

..Applicant/Appellant
(Org. Complainant)

V/s.

Arjun Yashwant Khot & Ors.

.. Respondents

Mrs. Anamika Malhotra, APP for State.

Mr. Prashant Jadhav, for respondent nos.1 to 7

CORAM : A. R. JOSHI, J.

DATE : 29TH JUNE, 2015.

P.C.

1. Heard learned APP for the State and the learned counsel for the respondents. The present application is for leave to file appeal challenging the acquittal of the respondents punishable under sections 342, 504, 506 and 217 read with 34 of Indian Penal Code. The said impugned judgment and order passed by JMFC, Court No. 6, Kolhapur on 08th February 2013.

2. The case of the prosecution is that the complainant women then aged about 70 years was illegally detained in the concerned Police Station on false charges of theft. On the complaint lodged by some person regarding theft of about Rs.12 lakhs. On the relevant evening the said complainant was

taken to the Police Station being accused for an offence of theft. She was detained in Police Station upto 8.30 p.m. and thereafter allowed to go after her son Rajendra was called. Being aggrieved by the said detention and confinement the women wrote repeated applications to various Police Authorities but in vain and after about 2 years the cognizance was taken and FIR was lodged against the present respondents the police officers of the concerned police station. Trial Court came to the conclusion as to exaggeration made by the complainant women and her son, daughter-in-law and further came to the conclusion that there were various applications and complaints earlier made by said women against the police officials including the officers of the DSP and SP Rank. The Trial Court considered the evidence of PW-1 and other witnesses i.e. neighbors as unacceptable.

3. The Trial Court came to the conclusion that due to exaggeration and improving the story over and above what was written in the complaint, while giving the evidence in the Court by the complainant, that the case of the prosecution is

unacceptable more so whether apparently the respondents and police officials of the Police Station were acting in discharge of the duties as to investigation in a cognizable offence of theft.

4. Considering the above circumstances and considering the scope of this court to interfere in the judgment and order of the acquittal, it must be stated that reasoning given by the Trial Court cannot be considered as pervert so as to interfere with. In view of this there is nothing to reagitate the matter by allowing the State to challenge the order of the acquittal of the respondents and as such present application for leave is dismissed and accordingly disposed of.

(A. R. JOSHI, J)