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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 208 OF 2014

The State of Maharashtra

.. Applicant

Vs.

Shankar Pandurang Galve and ors.

.. Respondents

Mrs. U. V. Kejriwal, APP for State.

CORAM: P. V. HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

JANUARY 13, 2015.

P.C.

1. This is an application by which the applicant-State seeks leave to file appeal against the judgment of the Additional Sessions Judge, Sangli, dated 30/8/2014 in Sessions Case No. 70 of 2012 acquitting the respondents for the offence punishable under Sections 307, 504, 506 read with Section 34 of the IPC.

2. The principal evidence against the respondents/accused consists of the evidence of PW 1 – Sukhdev and PW 4 – Balika. According to these two witnesses, on account of the earlier quarrel with the accused, when they were proceeding on a motorcycle to the police station for

lodging a report against the accused, the accused chased them in the car and gave a dash to the motorcycle, as a result of which PW 1 – Sukhdev and PW 4 – Balika fell down. The trial court declined to place any reliance on the testimony of these two witnesses on the ground that the earliest disclosure made by PW 4 – Balika and PW 1 – Sukhadev to the Medical Officers was that they had sustained the injuries on account of fall from the motorcycle. Even the relatives, who had accompanied these two witnesses to the Primary Health Centre had not disclosed to the police about the incident. The trial court, therefore, came to the conclusion that implicit reliance could not be placed on the testimony of PW 1 – Sukhdev and PW 4 – Balika.

3. We have heard the learned APP, with whose assistance we have perused the findings recorded by the trial court. Upon such perusal, in our opinion, the view taken by the trial court is a possible view to be taken on the basis of the evidence on record. We do not notice any perversity in the reasoning of the trial court to warrant any interference in this appeal against acquittal.

4. Consequently, Criminal Application No. 208 of 2014 fails and is dismissed. Leave refused.

(DR. SHALINI PHANSALKAR-JOSHI,J.)

(P. V. HARDAS,J.)