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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 34 OF 2015

The State of Maharashtra	..Applicant.
Vs.	
Rahul Kishor Bhosale & Anr.	..Respondents

Mrs. Sangeeta D. Shinde, APP for Applicant-State.

**CORAM: B.P. DHARMADHIKARI &
A.S. GADKARI, JJ.**

10th August 2015.

P.C.

Heard learned APP for applicant-State. Perused impugned judgment.

2 We find that PW-3 and PW-4 are disbelieved as the complaint did not define their role. PW-3 is found not an independent witness as he is connected with groups rival to accused. Deposition of PW-4 is found contradicting the complainant. The incidence leading to registration of an offence punishable under Sections 326, 324, 325, 323, 504 and 506 read with Section 34 of Indian Penal Code, Section 3(1)(x), 6 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 7(1)(d) 10 of Protection of Civil Rights Act, 1955 which occurred at about

2.15 p.m. on 27.2.2011 was informed belatedly to police. The Trial Court also found that there was enmity between two groups.

3 As it could not believe the eye-witness and in this situation the Trial Court has concluded that at the most an injury to the complainant/informant has been brought on record. Prosecution could not establish accused to be the author thereof.

4 The leaned APP has submitted that at the instance of accused person, the stick was recovered. However, that recovery is from open space and there is no evidence on record to connect it with crime.

5 We therefore find that the possible view has been taken by the Trial Court.

6 Hence, leave is rejected.

(A.S. GADKARI,J.)

(B.P. DHARMADHIKARI,J.)