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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 41 OF 2015

The State of Maharashtra

.. Applicant

Vs.

Bhau Shravan Veer & Ors.

.. Respondents

Smt. V. R. Bhosale, APP for State.

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

APRIL 21, 2015.

P.C.

1. By this application, the applicant-State seeks leave to file appeal against the judgment of the Additional Sessions Judge, Nashik, dated 12/9/2014 in Sessions Case No. 232 of 2013, acquitting the respondents for offence punishable Sections 302, 323 read with 34 of the IPC.

2. Undisputedly, the entire case against the respondents revolves around the sole testimony of PW 1 – Vasant, who was the first informant

and who claimed to be an eye witness to the incident. The trial Judge at paragraph 11 found that implicit reliance could not be placed on the sole testimony of PW 1 – Vasant as the testimony of PW 1 – Vasant riddled with vital omissions and that it appeared doubtful if PW 1 – Vasant was, in fact, an eye witness as the FIR had been lodged against the accused after deliberation in the hospital. The trial court, therefore, found that in the absence of any corroborative evidence, it was not safe to place implicit reliance on the testimony of PW 1 – Vasant.

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 an appeal against acquittal.

4. Consequently, this application fails and is dismissed. Leave refused.

(DR. SHALINI PHANSALKAR-JOSHI,J.)

(P. V. HARDAS,J.)