

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

rrpa

CRIMINAL APPLICATION NO.105 OF 2014

The State of Maharashtra	.. Applicant
Vs.	
Maruti Buwaji Jarad & Anr.	.. Respondents

....

Ms.S.S. Kaushik, A.P.P. for Respondent – State.

....

CORAM : ABHAY M. THIPSAY, J.

DATED : JANUARY 12, 2015.

P.C. :

The respondents were prosecuted on the allegations of having committed an offence punishable under Section 435 read with Section 34 of the Indian Penal Code. The Judicial Magistrate First Class, Baramati, after holding a trial, acquitted them. The State of Maharashtra is aggrieved by the said order of acquittal. It is, therefore, seeking, by the present application, Leave to Appeal against the said order of acquittal.

2 With the assistance of the learned Additional Public Prosecutor, I have gone through the application and the copy of the impugned judgment that is annexed thereto. I have also taken through the relevant part of the notes of evidence that was adduced during the trial.

3 The learned Magistrate doubted the truth of the prosecution version primarily for two reasons. The first is that admittedly, the relations between the first informant and the accused – i.e. the respondents herein, were strained. The second reason is that the harm that was caused by setting fire was not much; and the Magistrate was of the view that if the respondents indeed wanted to commit the alleged offence, they could have set fire to the stock of bunches of hay that were lying nearby.

4 The view of the matter, as taken by the Magistrate, is a possible view. It is well settled, that in such circumstances, grant of leave would be futile.

5 Leave refused.

6 Application is rejected.

(ABHAY M. THIPSAY, J.)