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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 651 OF 2015

Shri Amit Gandhi

..Appellant

Vs.

The State of Maharashtra & Ors.

..Respondents

Mr. J. Shekhar i/b J. Shekhar & Co., for Appellant.

Mr. H.J. Dedhia, APP for the Respondent No.1-State.

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

27th July 2015.

P.C.

1 The victim challenges the order of acquittal under Section 307 of Indian Penal Code. Submission is that, though ocular evidence has not been accepted, the circumstantial evidence which was not disputed by the accused persons ought to have been against them.

2 We have perused the record with the assistance of the learned Counsel as also the learned APP.

3 The present appellant who is the victim has not supported the story of the prosecution. In the light of his conduct, the Trial Court has appreciated the material. The fact that the weapons were discovered under

Section 27 has been mentioned in para-17 of the impugned judgment in this background. Even otherwise, before us, there is no effort to connect those weapons with attack on appellant by point out any C.A. Report.

4 When the appellant himself has refused to identify the accused persons, it is apparent that the view taken by the Trial Court cannot be faulted with. The Trial Court has also mentioned a counter case which has been filed by the accused persons against the present appellant and three others under Section 302 of Indian Penal Court.

5 In view of limited jurisdiction available to us in this matter, the Appeal is dismissed.

(A.S. GADKARI,J.)

(B.P. DHARMADHIKARI,J.)