

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

CRIMINAL APPLICATION (ALS) NO.58 OF 2015

The State of Maharashtra ..Applicant
(Org. Complainant)

V/s.
Hanmant Bapurao Tavare & Ors. .. Respondents

Mrs.P.P. Bhosale, APP for Respondent-State.

CORAM : A. R. JOSHI, J.
DATE : 8TH JULY, 2015.

P.C.

1. Heard learned APP for the State on this application for leave to file appeal challenging the order of the acquittal punishable under section 354A(2) and (3), 341 and 506 read with section 34 of Indian Penal Code.

2. The case of the prosecution is that on the day of event the complainant women and her mother were passing by the road that time they were accosted by the respondents-accused and obnoxious words were used in respect of the complainant women. Even they whistled and came near her and tried to outrage her modesty and also threatened her that

they will cause murder of their family members. After this incident the complaint was lodged after delay of about 50 hours. During the trial, mother of the complainant did not support the case of the prosecution. Admittedly, incident occurred in the place where there were houses of various people from the village but no independent witnesses were examined. Even it was brought on record during cross-examination of the complainant and other witnesses that the houses of the accused were at the distance of 15 feet from the said spot and there were 4 to 5 lady family members in the house of the accused.

3. Considering this circumstances the Trial Court came to the conclusion as to failure of prosecution to established the charges against the accused and acquitted them of the offences as mentioned earlier.

4. Considering the reasoning given by the Trial Court and effect of the substantive evidence of the prosecution witnesses, it cannot be said that the order of the trial Court is of

such pervert nature so as to be interfered with in the appeal. There is nothing to re-agitate the issue and to come to the different conclusion and to allow the filing of the appeal challenging the acquittal. In the result the present application for leave to file appeal is accordingly dismissed and disposed of.

(A. R. JOSHI, J)