

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 684 OF 2015**

Prafulla Devshankar Trivedi

..Appellant.

Versus

State of Maharashtra and another

..Respondents.

.....

Mr. Ajit J. Shobhawat for the Appellant.

Mrs. S.D. Shinde, Addl.P.P. for the State.

.....

**CORAM : B.P. DHARMADHIKARI &
A.S. GADKARI, JJ.****12th August, 2015.****P.C. :**

The victim before this Court is challenging that there is no inconsistency in deposition of informant P.W.1 – victim and P.W.2 – Ashok.

2. The prosecution story is that the informant after he was allegedly kidnapped made a telephone call to P.W. 2 – Ashok at 7.00 p.m. and informed him that accused Subhash Patil had kidnapped him. This story is not supported by P.W.2 – Ashok.

3. The Trial Court after appreciating this evidence and because of contradiction acquitted Subhash.

4. The effort of learned counsel before this Court is to demonstrate that there is no contradiction in evidence of the informant and P.W.2 – Ashok. We have been taken through the relevant evidence of P.W.1 and P.W.2. The deposition of P.W.1 in chief itself specifically shows that he was knowing Subhash earlier. We have therefore looked in the

report lodged by him. In report also he has stated that thereafter one more person came there and he identified him to be Subhash Patil.

5. The submission of learned counsel for the Appellant is that the identity of Subhash Patil was learnt later on. The material on record does not support this contention.

We, therefore, find that the Trial Court has taken a probable view of the matter. No case is made out. The Appeal is rejected.

(A.S. Gadkari, J.)

(B.P. Dharmadhikari, J.)