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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 551 OF 2015
(For Condonation of delay)

IN

CRIMINAL APPLICATION No. of 2015
(For Leave to file Appeal.)

The State of Maharashtra ..Applicant.

Vs

Dnyandeo Sahebrao Karche & ors ..Respondents.

Mr A.R. Patil, APP for the State.

CORAM : A.R.JOSHI,J

DATE : 8th September,2015.

P.C. :-

1. Heard learned APP for the State on this application for condonation of delay of 40 days in preferring the application for leave to file appeal. For the reasons mentioned in the application for condonation of delay, the same is allowed. The delay is condoned. The application is accordingly disposed of.
2. Office to number the appeal.
3. Heard learned APP for the State on the application for leave to file appeal challenging the acquittal of the respondent nos. 1 to 4 in the matter of offences punishable under sections 323, 324, 325 and 504 read with section 34 of IPC. What weighed with the trial Court were the contradictions, omissions and improvements by almost all the witnesses in the story of the prosecution, thus, rendering them unacceptable. Also, the trial Court gave reasoning that all the witnesses examined were interested

and related to the complainant party and that no independent witnesses were examined. The reasoning of the trial Court is appearing in paragraph nos. 33 and 34 of the impugned judgment and order. Also the trial Court has discussed the medical evidence as to the injuries sustained by the complainant and said discussion is appearing in paragraph nos. 29 and 30 of the impugned judgment and order.

4. Considering the nature of evidence brought before the trial Court, it cannot be said that the trial Court had erred in coming to the conclusion as to failure of the prosecution to establish charges against the respondents. The order of the trial Court cannot be considered as of such a perverse nature so as to be interfered with. There is nothing to re-agitate the issue by allowing the State to prefer an appeal challenging the acquittal. Hence, the present application for leave to file appeal is accordingly dismissed and disposed of.

5. Office to place copy of this order on record of the appeal after it is numbered.

(A.R.JOSHI, J.)

Certified to be true and correct copy of the original signed order.