



immediately went to the police station and lodged some complaint but no cognizance was taken by the police. Apparently, after one month and five days the complainant lodged the private complaint. On such private complaint order under section 156 (3) of Cr.P.C. was passed by the trial Court asking the police to inquire and register the offence. Consequently, police charge sheet was filed and all the four respondents were tried for the offences.

5. The trial Court has ascertained that PW no.2 has not supported the case of the prosecution and also not corroborated the version of PW no.1 complainant. Also the trial Court raised the doubt as to the exact spot of the incident and as such disbelieved the evidence. Panch witness PW no.5 turned hostile and did not support the case of the prosecution and as such the reasonable doubt is entertained by the trial Court as to whether all the accused persons / respondent nos. 1 to 4 had committed the offences charged.

6. 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.

7. 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.