

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.145 OF 2015

Dnyaneshwar Subhash Jadhav

.... Appellant

V/s.

The State of Maharashtra,
Thru' Sinnar Police Station,
Dist. Nashik & Ors.

.... Respondents

Mrs. Nasreen Sajid Ayubi, Appointed Advocate,
for the Appellant.

Mr. Girish Agarwal for Respondent No.6.

Mr. H.J. Dedhia, A.P.P., for Respondent No.1/State.

CORAM : P.V.HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 9TH FEBRUARY, 2015.

P.C. :

1. This is an Appeal under Section 372 of the Code of Criminal Procedure, filed by the victim, questioning the correctness of the Judgment of the Ad-Hoc District Judge and Additional Sessions Judge-3, Nashik, dated 28th March, 2014 in Sessions Case No.170 of 2013 acquitting the Respondents for the offences punishable under Sections 307, 364 r/w. 34 of the Indian Penal Code.

2. We have heard Mrs. Nasreen Ayubi, the learned Counsel appointed on behalf of the Appellant, and with the assistance of the learned Counsel for the Appellant, we have perused the findings recorded by the Trial Court. It appears that the Appellant claims that he was abducted and an assault was made on him by knife by Accused No.1 Tukaram. The Appellant had given details of the various places where he was taken in the vehicle. The Trial Judge, upon appreciation of the evidence of the Appellant Dnyaneshwar as well as the evidence of the other witnesses, who were examined to corroborate the version of Dnyaneshwar and also the evidence of the Medical Officer, who had treated injured Dnyaneshwar, came to the conclusion that implicit reliance could not be placed on the testimony of Dnyaneshwar. Admittedly, PW-1 Dnyaneshwar was the sole witness in respect of the charge for the offences punishable under Sections 307, 364 r/w. 34 of the IPC. The Trial Court further found that there was no other corroborative evidence which would corroborate the version of PW-1 Dnyaneshwar. The Trial Court, accordingly, gave the benefit of doubt to the Accused and acquitted them.

3. Upon perusal of the findings recorded by the Trial Court, we find that the view taken by the Trial Court is a possible view to be taken on the

basis of the evidence on record. We do not notice any perversity in the reasoning of the Trial Court to warrant any interference in this appeal against acquittal. Resultantly, we dismiss this Appeal confirming the acquittal of the Respondents.

4. Fees payable to the learned Counsel appointed on behalf of the Appellant is quantified at Rs.3,000/- [Rupees Three Thousand only].

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[P.V.HARDAS, J.]