

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Appeal No.213 of 2003
(State of Maharashtra thr PSO Ajni, Nagpur V/s Digamber Kothe)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

{ Smt. S.S. Jachak, APP for State.
Shri Habibuddin, Adv for respondent.}

CORAM : A.B. CHAUDHARI, J.
DATED : 22.06.2015.

This appeal against acquittal filed by the State of Maharashtra through the Police Station Officer Ajni, Nagpur, for the charge under Sections 279, 338 and 427 of the Indian Penal Code. The State has filed the said appeal.

I have heard the learned APP for the State. I have perused the judgment and order made by the learned trial Judge. I have perused the evidence of complainant (PW-1) Karunakaran. I have perused the cross examination of the witness also. The sum and substance of his evidence i.e examination-in-chief and cross examination is that he did not identify the bullet driver who had hit

him as a result of which he suffered a fracture and was admitted in hospital where he took treatment for about one and half month. In the absence of identification of the bullet driver, I do not think that by passing the impugned judgment and order of acquittal any fault is made by the trial Court. There is no evidence of any person about the identification of the accused. I have seen the other evidence. That being so, there is no reason to interfere with the order of acquittal. Hence, I pass the following order :-

Order

Criminal Appeal No.213 of 2003 is dismissed.

JUDGE

Deshmukh