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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1742 OF 2015
IN/WITH
CRIMINAL APPLICATION NO. 1741 OF 2015**

Vimal Dnyanoba Jadhav,
Age: 34 years, Occu: Agril. & Household,
R/o. Sirsav, Tq. Paranda,
Dist. Osmanabad

..APPLICANT

VERSUS

1. Madhukar Kantilal Jadhav,
Age: 30 years, Occu: Agri.,
R/o. Sirsav, Tq. Paranda,
Dist. Osmanabad
2. Kantilal Gena Jadhav,
Age: 60 years, Occu: Agri.,
R/o as above
3. Popat Kantilal Jadhav,
Age: 26 years, Occu: Agri.,
R/o as above
4. Sundarabai Kantilal Jadhav,
(Deceased therefore abated)
5. Ushabai Pandurang Munjewar,
Age: 33 years, Occu: Household & agri.,
R/o as above

..RESPONDENTS

Mr A. S. More, Advocate for applicant;
Mr P. S. Chavan, Advocate for respondent No. 2

CORAM : N.W. SAMBRE, J.

DATE : 24th June, 2016

ORAL ORDER :

For the reasons stated in application, delay of 76 days caused in preferring application for leave to file appeal, is condoned. Criminal Application No. 1742 of 2015 stands allowed.

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2. By consent, Criminal Application No. 1741 of 2015 is taken for final hearing.

3. Heard Mr More, learned Counsel appearing on behalf of applicant and Mr Chavan, learned Counsel appearing on behalf of respondent No. 2.

4. Pursuant to the private complaint filed by the present applicant, proceedings came to be initiated before the learned Judicial Magistrate First Class, Paranda, vide S.C.C. No. 251 of 2009, for offences punishable under Sections 448, 323, 504 read with Section 34 of the Indian Penal Code wherein, the respondents – accused were acquitted, by an order dated 8th November, 2014.

5. It is required to be noted that, there already exists a civil dispute between parties and the attempt on the part of respective parties for mediation, remained unsuccessful.

6. Complainant Vimal Vithoba Jadhav was examined in support of the claim and the other witnesses namely, Dnyanoba Changdeo Jadhav and Aagatrao Trimbak Jadhav were examined in support of the claim of the her.

7. Having perused the evidence and the analysis, as is made by the learned Magistrate, it is required to be noted that the claim as is putforth,

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by the applicant was not properly proved. It is then noted that the evidence of witnesses Dnyanoba and Aagatrao, is not in corroboration with the evidence of other Complainant Vimal.

8. It is also claimed that the husband of the complainant Vimal, namely, Vithoba was assaulted by accused Madhukar, Kantilal and Popat. However, there is hardly any evidence to prove the same.

9. Taking overall view of the material brought on record in the present case, for grant of leave to file appeal, Criminal Application No. 1741 of 2015 stands rejected.

(N.W. SAMBRE, J.)

sjk