

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3437 OF 2015

The State of Maharashtra

...APPLICANT

VERSUS

1) Savleram Mangala Bhangare,

2) Dharma Gangaram Titkare,

3) Sahebrao Rama Titkare

...RESPONDENTS

...
Mr.D.R. Kale, A.P.P. for Applicant.
...

**CORAM: S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.**

DATE : 19TH OCTOBER, 2016

ORAL ORDER [PER SANGITRAO S. PATIL, J.] :

. Heard the learned A.P.P. appearing for State. Perused statements of the witnesses produced on record as well as the Judgment in question.

2. The dead body of the deceased Maruti Aba Pichad was found in totally burnt condition near the cemetery of village Devgaon, Tq-Akole, Dist-Ahmednagar. There is only one circumstance relied on by the prosecution to connect the Respondents with the death of the said Maruti that there was some quarrel between the deceased Maruti on one hand and the Respondents on the other at some point of time, much prior to the date of incident. There is no other circumstance to connect the Respondents with the death of the said Maruti. There is neither direct nor circumstantial evidence which would implicate the Respondents with the alleged offence of murder of the deceased Maruti.

3. The judgment proposed to be impugned, is based on the evidence on record. The learned trial Judge has assigned good reasons for acquitting the Respondents of the offence of murder of the said

Maruti. It seems that the Respondents were prosecuted for the offence of murder of the said Maruti merely on the basis of suspicion. It is well settled that suspicion no matter how strong, would not take place of proof. We do not find any reason to admit the Appeal against the judgment of acquittal of the Respondents.

4. In that view of the matter, Application seeking leave to file Appeal against the judgment of acquittal is rejected. The application is disposed of accordingly.

[SANGITRAO S. PATIL, J.]

asb/OCT16

[S.S. SHINDE, J.]