

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4133 OF 2013
(Sou. Archana w/o Santosh Chalke Vs. Santosh Marotirao
Chalke and another)

Mr. S.S. Manale, Advocate for the applicant
Mr. A.R. Kale, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 08/02/2016

ORAL ORDER :

1. Heard.
2. Aggrieved by the acquittal of the present respondents No. 1 to 10 from the offence punishable under section 498-A read with section 34 of the I.P. Code, by the learned Judicial Magistrate First Class, Udgir, District Latur vide order dated 18th April, 2013, passed in R.C.C. No. 325/2008, the original complainant wants to file an appeal and therefore, the present application is filed for grant of leave to file appeal.
3. The submissions of the learned counsel for the applicant as well as reasoning forwarded by the learned Judicial Magistrate First Class would show that though

the present applicant/complainant had alleged that she was assaulted by the respondents and she had got herself treated in the hospital of one Dr. Kunturkar, no documentary evidence in this regard was filed on record.

. The record would show that the prosecution witnesses had admitted during cross-examination that they had enmity with the respondents. Further, the vast contradictions in their statements are noted.

4. The learned Judicial Magistrate First Class has taken into consideration all the material on record and forwarded a reasonable and probable view. In the circumstances, grant of leave to file appeal would be an exercise in futility. The present application is, therefore, dismissed.

[M.T. JOSHI]
JUDGE

npj/criapln4133-2013