

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4382 OF 2015

The State of Maharashtra ... APPELLANT

Versus

Venkat Nagnath Pitale
and others ... RESPONDENTS

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Mr. N.T. Bhagat, A.P.P. for appellant/State
Mr. M.L. Dharashive, Advocate for the respondent
nos. 1 to 9 and 11 to 12

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CORAM : M.T. JOSHI, J.

DATE : MARCH 01, 2016

PER COURT :

Heard both sides.

2. Aggrieved by the acquittal of the respondents/accused from the offences punishable under Section 143, 147, 336, 338, 323, 504, 506 read with section 149 of the Indian Penal Code and Section 135 of Bombay Police Act, vide judgment

and order dated 21.05.2015 in Regular Criminal Case No. 88 of 2013 by the learned Judicial Magistrate First Class, Ausa, District Latur, the State wants to prefer an appeal, and therefore present application for grant of leave to file appeal is preferred.

3. The prosecution case would show that the complainant was assaulted and injured by the present respondents/accused on the ground, as she had made complaint to the police station. In the said assault, the complainant had suffered fracture to her thigh. The incidents was witnessed by an independent witnesses. The medical evidence regarding the fracture was also placed on record.

4. The learned Judicial Magistrate First Class has acquitted the respondents findings certain variances in the statements of the prosecution witnesses.

5. Upon hearing both sides, in my view, an arguable case is made out. In the circumstances, leave to file the appeal is hereby granted.

6. The application is hereby allowed and disposed of accordingly.

[M.T. JOSHI, J.]

kbp