

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 5092 OF 2015

THE STATE OF MAHARASHTRA
VERSUS
SHIVAJI SHAMRAO DONGARE AND OTHERS

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APP for Applicant : Mr. S. D. Ghayal

Advocate for Respondents : Mr. Sanghmitra Wadmare.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 02nd April, 2016.

P.C.:

. This is an application for leave to appeal against the judgment and order dated 9th June, 2015 passed by learned Judicial Magistrate First Class, Georai, District Beed in R.C.C. No.265 of 2006 acquitting the Respondents / Accused of the offences punishable under Sections 324, 147, 148, 504 and 506 of the Indian Penal Code.

2 Heard the learned counsel for parties. Perused record.

3 It is the case of prosecution that on 7th May, 2006 informant Nandakishore and his wife Sangeeta had been to attend marriage ceremony at Buddha Vihar Samaj Mandir, Georai. A dispute arose on the ground of serving meals. It is alleged that to take revenge Respondents assaulted the informant Nandakishore, his wife

Sangeeta, witnesses Suman, Shahadeo and Prakash.

4 Report was lodged with police station. Investigation was conducted and after completing investigation charge-sheet was filed.

5 During trial prosecution examined in all 9 witnesses including informant and four injured persons. PW-6 Lahu was an eye witness. To show that victims suffered injuries prosecution relied upon evidence of PW-8 Dr. Quazi.

6 Considering the evidence of prosecution witnesses Trial Court held that there were major inconsistencies in their depositions. Even medical evidence was found doubtful and Accused were acquitted. Being aggrieved present application for leave to appeal is preferred by the State.

7 Perused the evidence of Complainant, injured witnesses and medical officer. It can be seen from FIR and statements of injured witnesses that they did not attribute specific role to each of the Accused in FIR and statements recorded during investigation. Material improvements were made during course of evidence before the Court. This Court finds that Trial Court has legally appreciated the evidence

and the view taken by Trial Court is a possible view. Prosecution has no case on merits. Hence the following order—

ORDER

Criminal Application No.5092 of 2015 stands dismissed.

[**INDIRA K. JAIN, J.]**

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