

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPEAL NO.741 OF 2015

Kadubai Piraji Kharat,
Age-35 years, Occu:Labour,
R/o-Ahankar Deulgaon,
Tq. & Dist-Jalna

...APPELLANT

VERSUS

- 1) The State of Maharashtra,
- 2) Devidas s/o Sadashiv Somdhane,
Age-55 years, Occu:Agriculture,
- 3) Kailas s/o Sahebrao Somdhane,
Age-Major, Occu:Agriculture,
- 4) Vithal s/o Harichandra Somdhane,
Age-Major, Occu:Agriculture,
- 5) Babasaheb s/o Sadashiv Somdhane,
Age-Major, Occu:Agriculture,
- 6) Pushpa w/o Mahajan Ambulge,
Age-Major, Occu:Service,

Respondent Nos.2 to 6 are
R/o-Ahankar Deulgaon,
Tq. & Dist-Jalna.

...RESPONDENTS

(Resp. Nos.2 to 6 - Orig. Accused)

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Mr.Ravindra J. Nirmal Advocate h/f. Mr. S.J.
Salunke Advocate for Appellant.
Mr.S.M. Ganachari, A.P.P. for Respondent No.1.

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CORAM: A.I.S. CHEEMA, J.

DATE : 20TH APRIL, 2016

ORDER :

1. In this matter, on 31st March 2016, time was given to counsel for Appellant to file copy of complaint. Matter was thereafter fixed on 11th April 2016 and even on that date the counsel sought time. Today, again the counsel is not present and on his behalf time is sought. Reason given for the absence of counsel for the Appellant is "personal difficulty". Sufficient time has been granted in this matter.

2. This Appeal is against acquittal. I have gone through the copies of evidence filed and the Judgment. After perusing the evidence and considering the Judgment, it can be seen that prosecution brought about on the claim that on 10th June 2011 at about 11.00 a.m. the five accused persons allegedly abused the complainant

Kadubai on the basis of caste and it was alleged that there was wrongful restrain of the complainant and she was provocatively insulted and also criminal intimidation was there by giving threats. The Judgment of the trial Court shows that it considered the complaint and the evidence and observed that although in evidence it was claimed that husband of the complainant was threatened, there was no such fact in the complaint. It also found that it was necessary to prove exact words uttered by the accused, and the words recorded in the complaint and in evidence were different. The words deposed by PW-1 were also different from the words deposed by PW-2. Trial Court observed that there was variance in the evidence with regard to wrongful restrain. While PW-1 has not deposed anything about wrongful restrain, PW-2 was deposing in that regard. The trial Court also found that in complaint manner of intentional insult was not specifically disclosed. Discussing the evidence, the trial Court noticed

that according to PW-1 accused No.1 abused her husband whereas according to PW-2 accused No.1 abused PW-1. Trial Court also observed that in complaint it was claimed that accused No.2 threatened complainant with committing her murder, whereas in evidence it was deposed that accused No.2 threatened her husband with committing his murder. For such reasons, the trial Court, discussing the evidence, acquitted the accused persons.

3. Looking to the evidence and reasons recorded by the trial Court, the findings recorded is a possible view. There is no reason to interfere.

. The admission of the Appeal is declined. The Appeal is disposed, accordingly.

[A.I.S.CHEEMA,J.]