

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION (ST.) NO.184 OF 2015

Gumphabai d/o Damodhar Magar,
Age: 63 years, Occu: Labour,
R/o. Sonwala, Tq. Ambajogai,
Dist. Beed

..APPLICANT
(orig. Complainant)

VERSUS

1. Pandurang Bhagwan Magar,
Age: 60 years, Occu: Agri.,
R/o. Sonwala, Tq. Ambajogai,
Dist. Beed

2. Sharda w/o Pandurang Magar,
Age: 50 years, Occu: HH,
R/o. As above

3. Yogabai d/o Pandurang Magar @
Yogabai w/o Mahesh Patange,
Age: 30 years, Occu: HH,
R/o. HH

4. The State of Maharashtra

..RESPONDENTS

Mr Vivek Bhavthankar, Advocate for applicant;
Mr A.R. Kale, Addl. Public Prosecutor for respondent no.4

CORAM : N.W. SAMBRE, J.

DATE : 6th April, 2016

ORAL ORDER :

Heard Mr Bhavthankar, learned Counsel appearing on behalf of the
applicant on merits.

(2)

2. Learned Judicial Magistrate First Class, Dharur, by judgment and order dated 19th March, 2012, passed in Regular Criminal Case No.81 of 2010, acquitted the respondents-accused for offences punishable under sections 323, 324, 325, 504 and 506 read with section 34 of the Indian Penal Code.

3. Mr Bhavthankar, learned Counsel appearing on behalf of the applicant would urge that the judgment of acquittal rendered by the learned Magistrate is contrary to the evidence, as according to him, the testimony of the present applicant and that of P.W.4 Dr. Sarjerao was wrongly interpreted and appreciated. So as to substantiate his contention, learned Counsel has taken me through the observations made by the learned Magistrate.

4. It is required to be noted that the charge came to be framed against the respondents-accused, vide Exh.16 on 28th December, 2010 for offences punishable under sections 323, 324, 325, 504, 506 read with section 34 of the Indian Penal Code.

5. In support of the prosecution, complainant - P.W.1 Gumphabai is examined at Exh.22 and she proved the complaint at Exh.23. She has also proved the printed first information report at Exh.24. P.W.2 Baburao deposed at Exh.29 and P.W.3 Vilas deposed at Exh.32 so as to prove the arrest memo at Exhs.33, 34 and 35. P.W.4 Dr. Sarjerao deposed at Exh.34, who has proved injury certificate Exh.43.

(3)

6. Learned Magistrate, after evaluating the evidence brought before him has noted that the injuries suffered by complainant – P.W.1 Gumphabai was duly proved, however, a suggestion was accepted by P.W.4 Dr. Sarjerao that such injuries could be caused even by fall of the complainant on cement road.

7. Apart from above, so as to connect the respondents-accused with the crime in question, no independent evidence is brought on record. The learned Magistrate appreciated the entire material and has noted that the person who intervened in the matter, at the time of dispute, was not examined.

8. In view thereof, in my opinion, no case for interference in revisional jurisdiction is made out. Thus, Criminal Revision fails and stands dismissed.

(N.W. SAMBRE, J.)

amj