

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

CRIMINAL APPEAL NO.748 OF 2015

Tukaram s/o Haribhau Kharat ... APPELLANT

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....
Shri D.S. Jadhav, Advocate holding for
Shri K.A. Ingle, Advocate for appellant
Shri P.N. Kutti, A.P.P. for State
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CORAM: A.I.S. CHEEMA, J.

DATED: 6th April, 2016.

ORAL ORDER :

1. Heard counsel for the appellant. The appellant - original complainant has filed this appeal against acquittal. The learned counsel for the appellant and the A.P.P. for State have been heard. Perusal of the judgment shows that, the trial Court considered the fact that incident is alleged to be dated 29.1.2011 and to have occurred at about 11.00 - 11.30 a.m. The F.I.R.

was, however, lodged on 6.2.2011 and explanation given was that the complainant was afraid and therefore, he went off and stayed with his sister at Georai. The trial court also found that on 29.1.2011 itself the complainant had given an application to the Superintendent of Police at Beed, which application was of the date of 26.1.2011, in which application also same incident was alleged as was alleged in the F.I.R. dated 6.2.2011. The falsity of the complainant appears to be clearly exposed if the reasons recorded by the trial Court are considered. The learned counsel for the appellant is unable to show that the reasonings recorded by the trial Court cannot be borne out from the record or that the reasons are not maintainable on the basis of documents.

2. There is no substance in this appeal against acquittal. The admission of the same is declined. Appeal stands dismissed.

(A.I.S. CHEEMA, J.)