

CRIMINAL REVISION APPLICATION NO.233 OF 2015

2. It is the case of the prosecution that, after the marriage, the accused/respondents along with other relations i.e. the brother, the second wife, the father, etc. started illtreating

complainant Sheela and demanding money for purchase of plot at Pune. It is thereafter claimed that the husband filed proceedings for divorce, which were decided against complainant Sheela and an appeal was pending, during which period, the accused had started visiting Sheela and established physical relationship with her. It is further alleged that on 8.4.1998, when she went to the place of the accused, she was driven out of the house by the accused persons. Thereafter when Sheela went to Latur along with the complainant, on 9.4.1998 she was assaulted by accused no.1 with the help of waist belt and tiffin and caused burn injuries with cigarette butt. It is also alleged that golden ornaments of the complainant were taken away by accused no.1. Similar incident was narrated in the Vacation of 1997-1998 about assault when she suffered fracture to her leg.

3. After the complaint, an offence came to be registered in the Court of learned Judicial

Magistrate, First Class, Nilanga, which was subsequently transferred and numbered as Regular Criminal Case No. 124 of 2000 before the learned Judicial Magistrate, First Class, Ausa, District Latur. The said case was investigated and trial was concluded resulting in to acquittal of the accused persons. Against the said judgment and order, Criminal Appeal No. 38 of 2011 was preferred. The said appeal came to be dismissed vide judgment and order, dated 6.10.2015 by the learned Sessions Judge, Latur. As such, the present Revision by the State.

4. The learned A.P.P. submits that the testimony of PW 1 complainant ought not to have been discarded even though there are minor contradictions and omissions. He would then urge that there is sufficient material, as was brought on record by the prosecution, so as to demonstrate the involvement of the accused in the crime in question, and as such, he prayed for reversal of the acquittal.

5. With the assistance of the learned A.P.P., I have scanned the judgment and also gone through the evidence of PW 1 complainant. It is required to be noted that the family of respondent no.1 i.e. other accused persons was having house at Pune. The complainant in her evidence failed to state the details of the names of the neighbours who were residing nearby, apart from the fact of details of the accommodation. It is to be noted that the complainant is employed in the Court at Beed and she claimed to have visited Latur with the accused persons where she was assaulted. The medical evidence produced on record qua the alleged fracture, does not speak of any fracture, but only speaks of ankle sprain and contusion, as is apparent from the injury certificate (Exh.204).

6. Apart from above, it is required to be noted that the accused Prabhakar has demonstrated in his evidence that on the date of alleged incident he was on duty, though it was declared as holiday. As such, material contradictions and

omissions, as could be noticed, do not repose any confidence in the testimony of the complainant. Though it is alleged by the complainant that she was assaulted by tiffin, waist belt and she was caused injuries by cigarette butt, however, there is hardly any medical evidence to that effect, as, she has admitted in clear terms that she never brought the said fact to any doctor, family member or neighbour. The entire evidence of the witnesses on record is properly scanned by the court below.

7. In view thereof, in my opinion, no perversity could be noticed in appreciation of the evidence. The Revision, as such, fails and is dismissed.

(N.W.SAMBRE, J.)

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