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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (ALS) No. 87 of 2016.

The State of Maharashtra	..Applicant.
Vs	
Shewantabai Bapu Sonawane & Ors	..Respondents.

Smt. P.P. Shinde for the applicant.

CORAM : A.S.GADKARI, J.
DATE : 11th August, 2016

P.C.

1) This is an application under Section 378 (3) of the Code of Criminal Procedure, 1973 seeking leave to file an appeal against the impugned Judgment and Order dated 4/2/2015 passed by the learned Judicial Magistrate, First Class, Court No.2, Baramati in R.C.C.No.273 of 2013.

2) The First information Report was lodged on the basis of the information given by Ujawala Sonawane (PW no.1). The first informant (PW no.1) in her report has stated that on 27.10.2012 at about 4:00 p.m. she was at her house, the respondent no.1 came in front of her house. The respondents asked her not to reside in the said house and abused her. The respondent no.1 gave a blow with the stick on her hand and back. The respondent No3 is the daughter

of the respondent no.2. The respondents No. 2 and 3 assaulted the complainant with brickbats. The complainant received injury below her eye. She took treatment at the hospital of Dr Devkate (PW no.5). After completion of investigation, the police submitted the charge-sheet before the Trial Court under sections 324, 504 and 506 read with section 34 of Indian Penal Code. The prosecution in support of its case examined in all five witnesses. The Trial Court after recording the evidence and after hearing the parties at length acquitted the respondents from the charges framed against them by the impugned Judgment and Order dated 4/2/2015.

3) Heard the learned APP and perused the record.

4) It is to be noted here that the complainant Smt. Ujawala Sonawane was the daughter-in-law of the respondent no.1 and the sister-in-law of the respondent No.2. It appears from the perusal of the evidence that there were bickerings in the matrimonial house of the complainant, Ujawala Sonawane and due to which the said report is filed. PW no.5 Dr Devkate in his cross-examination has admitted that if a person falls on a heap of stones or brickbats, the injuries which were suffered by the complainant are possible. He has further admitted that the said injuries were simple in nature.

That the complainant/patient did not state the names of the assailants to him when she gave history of the assault. After taking into consideration the entire evidence available on record, it is difficult to decipher the chaff from the grain. The Trial Court has recorded a finding that the prosecution has failed to prove the charge of causing hurt by the respondents to the victim beyond a reasonable doubt. After perusing the entire evidence available on record, I am of the considered opinion that the finding as recorded by the Trial Court is probable, in view of the facts of the present case. No interference is called for with the impugned judgment and order.

5) Application being devoid of merits is accordingly rejected.

(A.S. GADKARI, J.)