

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.54/2016

Balurajaram Gudadhe ..vs.. Bhimrao Haribhau Gudhade and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Hemant Survey, Advocate for petitioner.
Mr. M. K. Pathan, A.P.P. for respondent no.12.

CORAM : B. R. GAVAI & V. M. DESHPANDE, JJ.
DATE : JUNE 27, 2016

A perusal of the farad-sheet shows that on various occasions, adjournments are sought on behalf of the applicant.

We have perused the judgment passed by the learned Sessions Judge, Washim thereby acquitting the accused of the offence of the offence punishable under Sections 147, 148, 149, and 307 of the IPC.

One of the reasons on which the learned trial Judge has taken a view is that though the incident is stated to have taken place on 23.09.2007, the present injured has lodged the oral report on 25.09.2007, the FIR came to be registered subsequently on 28.09.2007. The another reason which weighed with the learned trial Judge is that the statement of Kailash with regard to the incident which has taken place on 23.09.2007 has been recorded on 26.12.2007.

The learned trial Judge has further found that the injury certificate itself was not free from doubt.

In the circumstances of the case, the learned trial Judge has correctly found that the prosecution has failed to prove the case beyond reasonable doubt. The view taken by the learned trial Judge is neither perverse nor impossible. Hence, we are not inclined to interfere with the judgment impugned in the present appeal.

The application is, therefore, rejected. Consequently, the appeal filed by the appellant is also rejected.

JUDGE

JUDGE

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