

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 55 OF 2016 IN CRIMINAL APPEAL NO. OF 2016.

(Ananda Dashrath Kharat .vs. Pralhad Narayan Kamble & others)

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

Court's or Judge's orders

Mr. M.K. Pathan, A.P.P. for respondent no. 7.

CORAM : B.R. GAVAI & V.M. DESHPANDE, JJ.

DATED : JULY 12, 2016.

This is an application for leave to appeal against the order of acquittal as recorded by the learned Sessions Judge, Washim.

The learned Counsel for the applicant has been consistently seeking an adjournment or remaining absent. Today also, he is absent. We have, therefore, perused the judgment and order passed by the learned trial Judge with the assistance of the learned Additional Public Prosecutor.

While recording the order of acquittal, the learned trial Judge has found that though the incident has taken place on 6.10.2013, the FIR is lodged on 9.10.2013. It has been further found that the prosecution has failed to explain such an inordinate delay in lodging the FIR. The learned trial Judge has further found that the evidence of the witnesses who have deposed in support of the prosecution case was also not trustworthy. It has been found that there is a previous enmity

between the accused on one hand and the first informant on the other hand. The learned trial Judge has, therefore, found that possibility of falsely implicating the present appellant on account of previous enmity at the belated stage could not be ruled out.

In that view of the matter, it cannot be said that the approach adopted by the learned trial Judge is either perverse or impossible. The Criminal Application is rejected.

Judge

Judge

J.

CERTIFICATE

“I certify that this Order uploaded is a true and correct copy of original signed Order”.

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