

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

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

Court's or Judge's orders

CRIMINAL APPLICATION NO.1333 OF 2017

KISAN S/O. MARUTRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr.Bhapkar S.B.
APP for Respondents/State: Mr.S.Y. Mahajan.
Advocate for R.Nos.2 to 5: Mr.Kale Mahesh P.

...
CORAM : V.L. ACHLIYA, J.
Dated: JUNE 13, 2017

...
Applicant has moved this application seeking leave to file appeal against the judgment and order of acquittal dated 10.08.2016 passed by the Addl. Sessions Judge, Gangakhed in Criminal Appeal No.7/2014 thereby setting aside the judgment and order passed by the trial Court convicting the respondents - accused for the offence punishable under section 324 r.w. 34 of IPC.

2 Mr.Bhapkar, learned Counsel for the applicant - complainant strenuously contended that the reasons and findings recorded by the trial Court were cogent,

consistent and based upon due appreciation of evidence on record. There was no reason for the Sessions Court to upset the findings of the trial Court and acquit the accused in exercise of appellate jurisdiction. He submits that the findings of the trial Court cannot be called as perverse so as to cause interference in appellate jurisdiction. He further submits that it is not requirement of law that the testimony of injured witness needs to be corroborated through independent evidence.

3 On the other hand, learned Counsel for the respondents – accused supports the judgment and order passed by the Sessions Court and submits that the appellate Court has rightly taken a view that it is unsafe to base conviction on uncorroborated testimony of injured witnesses, who were otherwise on inimical terms.

4 Having appreciated the rival submissions and the conflicting decisions on facts rendered by the Courts below, I am of the view that case is made out to grant leave to file appeal.

5 Accordingly, application is allowed

in terms of prayer clause (B). Leave granted to file appeal. Appeal be registered and placed for admission on 21.6.2017. Mr.Kale, learned Counsel waives notice for respondents.

Application stands disposed of.

(V.L. ACHLIYA, J)

kadam/