

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

903 CRIMINAL APPLICATION NO. 1522 OF 2017

Balasaheb Mahadu Sonawane

..... APPLICANT

V E R S U S

The State of Maharashtra & Ors.

..... RESPONDENTS

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Mr. P.R.Harshal, Advocate for Applicant.

Mrs. S.S.Raut, A.P.P. for R – 1 - State.

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CORAM : V.L.ACHLIYA, J.

DATE : 30th JUNE, 2017

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ORDER :

1. The applicant has taken out this application seeking leave to file Appeal against the impugned Judgment and order of acquittal dated 17/01/2017 delivered in S.C.C. No. 628/2012 by the Judicial Magistrate First Class, Pachora, district Jalgaon.

2. Heard learned counsel for the applicant and perused the impugned Judgment and order of the trial Court as well as copies of depositions and medical certificate placed on record.

3. In my view no case is made out to entertain the application seeking leave to file Appeal. The Judgment and order passed by the trial Court is fully in consonance with the evidence adduced in the case. It is quite settled position in law that in exercise of appellate jurisdiction against the Judgment and order of acquittal, the appellate Courts are expected not to interfere with the Judgment and order passed by the trial Court unless the reasons and findings recorded by the trial Court appears to be perverse and based upon improper appreciation of evidence resulting into serious mis-carriage of justice. In the case in hand, the incident was occurred on 21/09/2012. The complaint was lodged after long delay of more than 10 to 15 days.

4. The testimony of the complainant i.e. injured himself found no corroboration from medical evidence. The complainant has stated that he was assaulted by stick whereas the Medical Officer has opined that the injuries

which were found on the body of the complainant were possibly caused by hard and pointed weapon. The incident is claimed to be dated 21/09/2012. The complainant for medical examination on 24/09/2012. The complaint in respect of the incident dated 21/09/2012 was lodged on 05/10/2012. The delay of 15 days in lodging F.I.R. has not been satisfactorily explained.

5. In view of above, no case is made out to entertain the application seeking leave to file Appeal. Accordingly, the application is rejected.

[V.L.ACHLIYA, J.]