

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION FOR LEAVE TO APPEAL NO.24 OF 2017

Sou Sadhana Bhivsen ShindeApplicant
versus
The State of Maharashtra and ors.Respondents

Mr. Abhijeet J. Kandarkar, advocate for the applicant.
Ms. S. D. Shinde, APP for the State.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 24th MARCH, 2017.

P. C. :

Heard learned counsel for the applicant and learned APP
for the State.

2. The application is filed for leave to appeal against the order of acquittal. By the impugned judgment and order, respondent Nos. 2 to 5 are acquitted of offences punishable under Sections 307, 452, 323 read with Section 34 of the Indian Penal Code, 1860. It was the case of the prosecution that the accused forcibly administered poisonous substance to the applicant/complainant. The learned Additional Sessions Judge examined the evidence adduced on behalf of the prosecution and held that the prosecution could not prove that the

respondents/accused in furtherance of common intention forcibly administered poisonous substance to the applicant/complainant. The learned Additional Sessions Judge also held that the prosecution could not prove that the respondents/accused in furtherance of common intention committed house trespass by entering the complainant's house. It was further held that the prosecution could not prove that the accused in furtherance of common intention, voluntarily caused hurt to the complainant. The findings are based upon appreciation of evidence lead by the prosecution. We have re-examined the same and find that the view taken by the learned Additional Sessions Judge is a plausible view. We are, therefore, not inclined to entertain criminal application. The criminal application is, accordingly, dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]