

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.20 OF 2016

THE STATE OF MAHARASHTRA)...APPLICANT

V/s.

PATANGRAO NIWRATI JADHAV AND ANR.)...RESPONDENTS

Mr.A.R.Kapadnis, APP for the Applicant - State.

CORAM : A. M. BADAR, J.

DATE : 17th FEBRUARY 2017

P.C. :

1 This is an application by State for seeking leave to challenge judgment and order of the learned JMFC, Khanapur, Sangli, thereby acquitting respondents / accused of offences punishable under Sections 325, 324, 504 read with Section 34 of the IPC.

2 According to the prosecution case, on 25th August 2013, informant Ganpati Jadhav had taken out the fuse of the

water pump at the well in the field. Accused persons questioned this act of informant Ganpati Jadhav and assaulted him by means of sticks as well as kick and fist blows. They also assaulted relatives of informant Ganpati Jadhav. According to prosecution case, this assault has caused fracture injury to informant Ganpati Jadhav.

3 It is seen from evidence of PW6 Dr.Shashikant Bhise that he examined injured informant Ganpati Jadhav on 25th August 2013 at Rural Hospital, Vita. This witness who is Medical Officer at the Government Hospital, deposed that after examination of the X-ray of the chest of Ganpati Jadhav, he found that two ribs of Ganpati Jadhav from left side had fractured, causing grievous hurt to him.

4 Injured Ganpati Jadhav is an eye witness to the incident in question, being victim of the crime in question. There are other eye witnesses to the incident. It is prima facie seen that the evidence of the prosecution is jettison by the learned trial

Magistrate for trivial reasons and with perverse findings. Hence the order :

- i) Leave granted.
- ii) The application for leave to appeal be considered as Memo of Appeal.
- iii) Admit.
- iv) Issue notice to respondents.
- v) Call for Record and Proceedings.

(A. M. BADAR, J.)