

506 r/w. 34 of the Indian Penal Code. Prosecution had examined PW1-Pappu-First Informant and PW2-Devendra as the injured witnesses and PW-4-Baburao and PW-6-Santosh as two other independent witnesses.

3. The evidence on record reveals that there is a civil dispute between the accused and PW1 and PW2. The testimony of PW1 indicates that alleged incident had occurred on 10.12.2001 while he was repairing the house. He claims that accused had gathered at the spot of the incident and told them that they would not allow them to carry out the repairs unless civil suit is withdrawn. PW1 claims that the Respondent- Lalasahab had pelted a stone at him, but he had moved aside and avoided being hit by the stone. He states that the accused Shantidevi pulled his hair and assaulted him on his back while Manoj assaulted him by bamboo on his head.

4. PW2 has not supported the version of PW1 as testimony of PW2 reveals that Pappu (PW1) had a fall and sustained bleeding head injury. The evidence of these witnesses does not indicate that Respondents had assaulted PW1 on his back. PW4 has not supported the case of the prosecution while PW6 has not given the details of the incident. He has merely stated that he had only seen the accused, PW1

and PW2 quarreling with each other. The learned Judge was therefore, perfectly justified in recording that the evidence is totally inconsistent.

5. The medical evidence reveals that the injury sustained by PW1 was simple in nature. The investigation also indicates that accused had also sustained injuries and that they too had visited the police station and were referred for medical examination. The prosecution has not explained the injuries sustained by the accused. This fact indicates that the prosecution witnesses have not disclosed the true story and makes their version doubtful.

6. The order of acquittal is neither illegal nor perverse. Hence, the application for leave to appeal is dismissed.

(ANUJA PRABHUDESSAI, J.)