

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 49 OF 2017

The State of Maharashtra. ..Appellant.

Vs.

Kuldeep Tukaram Bome & ors. ..Respondents.

Mr. A.R. Kapadnis, APP for State.

**CORAM : RANJIT MORE, J &
SMT.SADHANA S. JADHAV,J
DATE : SEPTEMBER 27, 2017**

P.C.

1 Heard Mr. Kapadnis, learned APP for State. Perused the impugned Judgment and Order. The respondents were charged for offence punishable under section 326, 323, 504, 506 r/w. 34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 7(1)(d) of the Protection of Civil Rights Act 1955. By the impugned Judgment and Order dated 17/1/2017 passed by Learned Judge, Special Court, Ratnagiri, the Respondents came to be acquitted. The State being aggrieved by the said Judgment, filed application for leave to appeal against the order of acquittal.

2 The learned Special Judge held that the prosecution has

reasonably failed to prove that on 7/12/2015 the respondent accused hurled caste abuses to Dilip Mohite and beaten him. It was also held that the prosecution has failed to prove that the respondents are the authors of the injuries sustained by the complainant. It was also held that even though the respondents were charged for offence under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the major part of the investigation was carried out by the officer who was not competent to investigate.

3 The finding arrived at by the learned Special Judge are on the basis of the evidence on record. The learned Judge has also given cogent reason in support of his findings. We are therefore, of the opinion that the view taken by the Special Court is a possible view. We do not find merits in the application. The same is accordingly dismissed.

[SMT.SADHANA S. JADHAV,J]

[RANJIT MORE, J]