

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

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.76 OF 2016**

**THE STATE OF MAHARASHTRA )...APPLICANT**

**V/s.**

**BALASO JOTIRAM JADHAV )...RESPONDENT**

Ms.P.N.Dabholkar, APP for the Applicant - State.

None for the Respondent.

**CORAM : A. M. BADAR, J.**

**DATE : 16<sup>th</sup> AUGUST 2017**

**P.C. :**

1            Heard the learned APP. None for the respondent.  
Perused the record made available including the impugned  
judgment and order of acquittal of respondent of offences  
punishable under Sections 325, 323 and 504 of the Indian Penal  
Code (IPC).

2            Prima facie, it is seen that because of assault by the  
respondent, informant Dhanaji Jadhav has suffered grievous hurt

caused because of privation of member, as seen from evidence of PW4 Dr.Suresh Pawar. Evidence of the injured witness is gaining corroboration from evidence of PW2 Suvarna Jadhav and PW3 Shalan Kumbhar. PW3 Shalan Kumbhar seems to be an independent witness. The only reason recorded for acquittal is inconsistencies in deposition of prosecution witnesses. Proof mathematical precision is not required in a criminal trial. Hence this order :

- i) Leave granted.
- ii) Admit. Notice.
- iii) Call for Record and Proceedings.
- iv) In the meanwhile, notice under Section 390 of Code of Criminal Procedure before the trial court.

**(A. M. BADAR, J.)**