

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.112 OF 2016

THE STATE OF MAHARASHTRA)...APPLICANT

V/s.

AMIT PRAMOD SALUNKHE)...RESPONDENT

Ms.A.A.Takalkar, APP for the Applicant - State.

CORAM : A. M. BADAR, J.

DATE : 10th APRIL 2017

P.C. :

1 Heard the learned APP appearing for the applicant / State. None for the respondent / accused, though served. Perused the impugned judgment and order of acquittal of the respondent for offences punishable under Sections 325, 323 and 504 of the IPC.

2 *Prima facie*, it is seen that perverse approach is adopted by the learned trial Magistrate while acquitting the respondent / accused of the alleged offences. Evidence of the

First Informant shows that respondent / accused had assaulted her and had caused fracture injury to her. This evidence is corroborated by the medical evidence coming on record from mouth of PW8 Dr.Ashish Phadnis. Still, the learned trial court held that *mens rea* is not proved by the prosecution and therefore, acquitted the respondent / accused. Hence, the order :

- i) Leave, as prayed, is granted.
- ii) Admit.
- iii) Issue notice to respondent.
- iv) Call for Record and Proceedings.
- v) In the meanwhile, action under Section 390 of the Cr.P.C. before the learned trial court.

(A. M. BADAR, J.)