

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

CRIMINAL APPLICATION NO. 109 OF 2017

The State of Maharashtra

..Applicant.

Vs.

Deepak Vinod Mudhale & anr.

..Respondents.

Mrs. P.P. Shinde, APP for State.

**CORAM : RANJIT MORE, J &
SMT.SADHANA S. JADHAV,J**

DATE : SEPTEMBER 12, 2017

P.C.

1 The Respondents are acquitted of offence under section 307 read with section 34 of the Indian Penal Code by the Additional Sessions Judge, Kolhapur by Judgment and Order dated 9th May, 2017 in Sessions Case No. 182 of 2015. The State has filed present application for seeking leave to appeal.

2 We have heard Mrs. Shinde, learned APP for State. We have also gone through the impugned Judgment and Order and the notes of evidence. The incident is of 5th May, 2015. However, FIR is lodged only on 8th May, 2015. The material witness i.e. wife of the accused has not been examined. That apart, the medical evidence shows that at the time of admission, the injured gave history that 3 unknown personal had assaulted.

3 The learned Sessions Judge having considered the evidence on record came to the conclusion that the prosecution could not prove the guilt of the accused, especially when most of the witnesses are turned hostile. The conclusions arrived at is based on the evidence on record. The learned Judge has given cogent reasons in support of the conclusions. The view taken by the learned Sessions Judge is a possible view and therefore, we are not inclined to interfere with the same. The Application is accordingly dismissed.

[SMT.SADHANA S. JADHAV,J]

[RANJIT MORE, J]