

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO.156 OF 2017

Nagorao s/o Jaideo Lande

..vs..

State of Maharashtra, through PSO Khamgaon, Taluka Khamgaon, District
Buldana and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri Mahesh Rai, Counsel for the applicant.

Ms T.H. Udeshi, Addl.P.P. for non-applicant No.1/State.

CORAM : V.M. DESHPANDE, J.

DATED : JULY 25, 2017.

The complainant is before this Court since is aggrieved by judgment and order of acquittal passed by learned Additional Sessions Judge at Khamgaon in Sessions Trial No.16 of 2006 by which learned Judge of the Court below acquitted respondent Nos.2 to 5 for the offences punishable under Sections 324, 325, and 506 read with Section 34 of the Indian Penal Code, 1860.

I have heard learned counsel Shri Mahesh Rai for the applicant and learned Additional Public Prosecutor Ms T.H. Udeshi for non-applicant No.1/State. With their able assistance, I have gone through necessary depositions which are filed on record.

After perusal of the evidence and hearing, I concur with the reasonings given by learned Judge of the Court below that the prosecution witnesses have not only suppressed their part in the incident but have also suppressed genesis of the occurrence. Though the incident has occurred in the field of accused No.1, the prosecution witnesses have tried to change the spot of the incident to disown their part in the incident. Further, there is no explanation on their part as to why they were present in the field of accused which, in my view, is rightly considered by learned Judge of the Court below that probabalizes the defence of the accused.

In that view of the matter, the criminal application is rejected.

JUDGE

!! BRW !!