

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

CRIMINAL APPEAL NO.476 OF 2015

Bhaskar s/o Kisan Undre

..VS..

State of Maharashtra, through Police Station Washim, District Washim and ors

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

Court's or Judge's Order

Shri R.R. Vyas, Counsel for the Appellant.
Shri M.L. Vairagade, Counsel for R-2 to 11.
Shri N.B. Jawade, Addl.P.P. for R-1/State

CORAM : V.M. DESHPANDE, J.

DATED : JUNE 8, 2017.

This is an appeal against acquittal.

**Learned Additional Sessions Judge,
Washim, vide judgment and order dated 9.9.2015,
acquitted the respondents for the offences for
which they were charged.**

**Heard learned counsel Shri R.R. Vyas
for the applicant, learned counsel Shri M.L.
Vairagade for non-applicant Nos.2 to 11, and
learned Additional Public Prosecutor Shri N.B.**

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Jawade for non-applicant No.1/State, and.

The Impugned order shows that learned Judge of the Court below has considered each and every aspect of the matter. The prosecution was unable to prove the nature of injuries suffered by PW1 Bhaskar and PW3 Ranjana by non-examining the doctor who examined them. From the evidence learned Court below found that prosecution has not adduced sufficient and cogent evidence that the accused person humiliated the complainant party in public view. Therefore, the Court below found that offence under Section 3(1)(x) of the the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not proved. It is also observed in the judgment that at the relevant time, there was load shading in area and there was darkness. Therefore, I concur with the observation of the Court below. It was not possible to the complainant and other witnesses to identify the assailants. Learned counsel Shri R.R. Vyas for the applicant could not counter these particular reasonings given by learned Judge of the Court

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below. Further, a closed scrutiny of this judgment shows that there is no perversity in the judgment. Merely because another view is a plausible, that cannot be the ground to admit the appeal against acquittal.

Hence, the criminal appeal is dismissed.

JUDGE

!! BRW !!

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