

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLCIATION NO.19 OF 2018
Bapu Arjun Dhuri vs. Sanjay K. Madav and anr.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Bharat Gavande for the Applicant.

Mr. V.V.Gangurde, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 18th April, 2018

P.C.

1. This is an application under section 378(4) of the Cr.P.C. for leave to file appeal against the Judgment and Order dated 30.11.2017 passed by the learned Judicial Magistrate First Class, Savantwadi, Sindhudurg in Summary Criminal Case No.551/2011 thereby acquitting the respondent No.1 for the offence punishable under Sections-323, 504 and 506 of the Indian Penal Code.

2. It is the case of the applicant that the respondent No.1 on the date and time of the incident gave a kick on his private part in presence of two witnesses. The said witnesses namely Yeshwant Aamonekar and Sandeep Manjrekar rescued the applicant from the clutches of the respondent. The applicant

thereafter went to police station for lodging the complaint however, police recorded non cognizable offence instead of registering a FIR. The applicant has therefore, filed the private complaint for the aforesaid offences under the Indian Penal Code.

3. The evidence on record indicates that there are material contradictions and infirmities in the evidence of the complainant. No medical certificate on record is produced in support of the contentions of the applicant to substantiate the fact that he had suffered any injury. Though the alleged eye witnesses to some extent have supported the case of the complainant, there are further contradictions in their evidence qua the applicant. The Trial Court in the impugned Judgment and Order has observed that the version narrated by the complainant appears to be exaggerated. I find substance in the finding recorded by the Trial Court.

4. After taking into consideration the evidence on record this Court is of the opinion that the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the present case.

No case for grant of leave to file appeal is made out.

5. Application is accordingly rejected.

(A.S.GADKARI, J.)