

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 251 OF 2014

Samina H.Mukaddam vs. State of Maharashtra and ors.

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. Harshad Bhadbhade for the Applicant.

Mrs. Anamika Malhotra, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 26th 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 19.4.2014 passed by the Judicial Magistrate First Class, Dapoli in Summary Criminal Case No. 739 of 2009 thereby acquitting the respondents for the offence punishable under Section 323, 504, 509 read with 34 of the Indian Penal Code.

2. Heard Mr. Bhadbhade, the learned counsel for the applicant and the learned APP. for the State.

3. It is the case of the applicant that, her husband had lodged complaint with the police against the respondents

under Sections- 143, 323, 324, 427, 504, 506 and 509 read with 34 of the Indian Penal Code and the police were investigating the said crime. That, on 26.7.2009 when the husband of the applicant was out of station for his job, the respondents came in front of her house, abused her in filthy language, threatened her and also assaulted her. As the police did not lodge the first information report, the applicant filed the present complaint. The Trial Court by its order dated 15.12.2009 issued process against the respondents. After recording evidence, the trial Court was pleased to acquit the respondents by the impugned Judgment and Order.

4. Perusal of the record would indicate that no specific allegations are made against any of the respondents thereby attracting Section 323 of the Indian Penal Code. No medical certificate is also produced on record to substantiate the said contention. The allegations made against the respondents are general in nature to attract and apply Sections 323 and 509 of the Indian Penal Code. It further clear from record that the witnesses examined by

the applicant in support of her case were interested witnesses and though it is alleged that commission of offence had taken place in front of the house of the applicant no independent witness has been examined.

5. After perusing the 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 case.

No case for grant of leave is made out.

Application is accordingly rejected.

(A.S.GADKARI, J.)