

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

APPLN FOR LEAVE TO APPEAL (PVT) NO. 18 OF 2018

Deelip Yashwant Sawant ... Applicant

Versus

Mohan Ramchandra Sawant and Ors. ... Respondents

Mr.B.B. Gavande for the applicant.

Mr.K.V. Saste, APP for the respondent State.

**CORAM : B.P. DHARMADHIKAKRI &
SARANG V. KOTWAL, JJ.**

DATE : DECEMBER 20, 2018

P.C.:

Leave application is accepted as an appeal under section 372 of Cr.P.C.

2. Heard learned counsel for the applicant victim and learned APP for respondent.

3. Perused the evidence. Charge was under section 307 read with 149 of IPC, 341 read with 41 and 49 of IPC and 364 read with 49 of IPC. The applicant victim has been examined as PW No. 2. The trial court has considered his evidence in paragraph nos. 12 and 13. We have perused the paragraphs 12 and 13 as also the evidence of PW No. 2. His cross examination by accused no. 2 and

5 in paragraph 13 of deposition shows that his examination-in-chief is full of omissions and improvements. The names of accused persons were not disclosed by him and as further narration is also not appearing in his statement.

4. All this was put to him and he could not explain as to why the same did not figure in report at Exh. 51.

5. The trial court has found politics in the matter. It is noted that the accused no.1 was ex-Chairman of Panchayat Samiti and Z.P. member, accused no.2 happened to be Sarpanch of village Akeri and accused no. 3 was Sarpanch of village Wados. PW 2 complainant was Sarpanch of village Haldiche Nerur. All of them were from the same political party.

5. Not only this, witnesses of complainant have also not supported the incident. The witnesses did not bother to report alleged kidnapping immediately to police though check post was available at the distance of 1/2 km. We therefore, find that the trial court has taken a possible view. Therefore, no case is made out warranting intervention. Hence, application is rejected.

(SARANG V. KOTWAL, J.)

(B.P. DHARMADHIKARI, J.)