

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 27 OF 2016
The State of Maharashtra vs. Kakasaheb A. Borkar 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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Ms. P.N.Dabholkar, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 09th March, 2018

P.C.

1. This is an application under Section 378(3) of Cr.P.C. for leave to file appeal against the Judgment and Order dated 26.2.2015 passed by the learned Judicial Magistrate First Class, Karmala, District Solapur in RCC No.81/2004 thereby acquitting the respondents from an offence punishable under Section 324 read with 34 of the Indian Penal Code.

2. Heard the learned APP and perused the record,.

3. The evidence on record indicates that there are material discrepancies in the statement made by the first informant about the injuries suffered by him at the hands of respondent No.1 and the medical record produced by the Medical officer. That the injuries mentioned by the first informant before the Court do not found place in the medical record. It is the defence

of the respondent that the first informant suffered the said injuries in the crowd at the village fair. It has also come on record that crowd was very large and the injuries suffered by the informant might have caused in the stampede. In the cross examination the Medical Officer has admitted that such injuries are possible in the stampede. The learned Trial Court has come to a conclusion that the prosecution has failed to prove the offence alleged against the respondents beyond reasonable doubt.

3. 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 present case.

No case for grant of leave is made out.

4. Application is accordingly rejected.

(A.S.GADKARI, J.)