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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 54 OF 2018**

Kum. Radhika Sunil Deshmukh

**..Applicant**

**Vs**

Shri Rakesh Ashok Otari & Anr.

**..Respondents**

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Mr. Anand Patil for applicant.

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

**CORAM : A.S.GADKARI, J.**

**DATE : 12<sup>th</sup> MARCH 2018.**

**P.C.:**

1] This is an application under Section 378 (4) of the Cr. P.C. seeking leave to file an appeal against the Judgment and Order dated 6<sup>th</sup> January 2018 passed by the Judicial Magistrate First Class, Mhaswad, Tal-Man, District- Satara in R.C.C. No99 of 2016, acquitting the respondent No.1 for the offence punishable under Section 452, 354, 323 and 506 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant. Perused the record.

The evidence on record indicates that, there was enmity

between the families of the first informant and the applicant. The incident in question had occurred at about 9.30 p.m on 10.10.2016 at the house of the first informant when the other family members were present. There is delay of 2 days in lodging the first information report. The record further indicates that, due to enmity between the family members of the applicant and the family members of accused person, with due deliberation the present crime is registered. The record reveals that, only those witnesses who have enmity against the applicant, have been examined by the prosecution and the immediate neighbours of the prosecutrix i.e. her uncle and other relatives have not been examined. It therefore creates doubt in the mind of this Court about the bonafide and genuineness of the first information report lodged by the prosecutrix.

3] After perusing the entire record minutely, this Court is of the view 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.

Application is accordingly rejected.

**(A.S.GADKARI, J.)**