

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

CRIMINAL APPLICATION NO. 24 OF 2018

The State of Maharashtra Through Vathar Police Station	... Applicant
Vs.	
Smt. Sangita Dilip Vairat	... Respondent

Mr. V.V. Gangurde APP for State.

CORAM : A.S. GADKARI, J.

DATE : 23rd MARCH, 2018

P.C.

1. This is an application under Section 378(4) of the Code of Criminal Procedure, 1973 for leave to file appeal against the judgment and order dated 13.09.2017 passed by the learned Judicial Magistrate First Class, Koregaon, Satara in Regular Criminal Case No. 132 of 2012, thereby acquitting the respondent for the offences punishable under Sections 323, 325, 504, 506 and 34 of the Indian Penal Code.

2. Heard the learned APP and perused the record.

3. It is the allegation against the respondent that she assaulted the first informant for some trivial reasons. The said assault was with fist and kick blows. The alleged incident in question occurred on 19.05.2012 and the present crime was registered on 30.05.2012 i.e

after a delay 11 days.

4. The evidence on record indicates that no believable reason was given by the prosecutrix to lodge the crime belatedly after a delay of 11 days. The record further reveals that, the prosecution has also failed to prove its case beyond reasonable doubt by adducing sufficient and cogent evidence in that behalf.

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 present case.

No case for grant of leave is made out.

6. Application is accordingly rejected.

(A.S. GADKARI, J)