

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 117 OF 2018

Mrs. Sharubai Ranba MangleApplicant.

Vs.

The State of Maharashtra & Ors.Respondents.

Mr. Sushil Upadhay, Priyanka Barat i/by A.M. Saraogi for the Applicant.

Mr. V.V. Gangurde, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 26th MARCH, 2018.

P.C.:-

This is an Application under Section 378 (4) of Cr. P.C. for leave to file Appeal against the Judgment and order dated 15th July 2017 passed by the learned Metropolitan Magistrate, 67th Court, Borivali, Mumbai in Case No. 634-SW-2011 thereby, acquitting the Respondent Nos. 2 and 3 from the offences punishable under Sections 504 and 506 of the Indian Penal Code.

2 Heard the learned counsel for the Applicant at length and perused the record.

3 The record indicates that the Applicant had filed a private Complaint before the Metropolitan Magistrate, 67th Court, Borivali under various Sections of the Indian Penal Code, however, while taking cognizance of the said complaint, the learned Magistrate had issued process under Sections 504 and 506 of the Indian Penal Code.

 The learned Magistrate, after recording evidence and after hearing the parties to the said case, is pleased to acquit the Respondent Nos. 2 and 3 from the offences, as alleged against them by the impugned Judgment and Order.

4 The evidence on record indicates that the Applicant and other witnesses have failed to adduce cogent and sufficient evidence thereby, proving the guilt of the Respondent Nos. 2 and 3 for an offence punishable under Sections 504 and 506 of the Indian Penal Code, beyond the reasonable doubt. The record further indicates that, the Applicant has failed to depose specific instances and abuses hurled by the Respondent Nos. 2 and 3, thereby attracting the provisions of Sections 504 and 506 of the Indian Penal Code.

5 After perusing the entire record, this Court is of the considered 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 to file Appeal is made out.

6 Application is accordingly rejected.

(A.S. GADKARI, J.)