

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

CRIMINAL APPLICATION NO.25 OF 2018

The State of Maharashtra

... Applicant

V/s.

Jagnnath Jinappa Waghmare & Ors.

... Respondents

Mr. A.R. Kapadnis, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 22nd MARCH 2018

P.C.:

1. This is an application under Section 378(4) of Cr.P.C. for leave to file appeal against the Judgment and Order dated 15.07.2016 passed in R.C.C.No.79 of 2008 by the learned Judicial Magistrate First Class, Peth Vadgaon, thereby acquitting the respondents for the offence punishable under Sections 323, 324 and 504 r/w.34 of the Indian Penal Code.

2. Heard the learned APP and perused the record.

3. The evidence on record indicates that, the material witness i.e. the Medical Officer has not been examined by the prosecution in support of its case to prove the fact that, the first informant Mr.

Bhimrao Waghmare had suffered injuries due to the alleged assault by the respondents. The evidence on record further indicates that, the testimonies of witnesses are full of inconsistencies and contradictions, due to which it is difficult to form a concrete opinion that, the respondents had infact committed the said offence as alleged against them. The prosecution has failed to lead cogent and sufficient evidence in support of its case to prove the guilt of respondents beyond reasonable doubt. The Trial Court has, therefore, given benefit of doubt to the respondents by the impugned Judgment and Order.

4. After perusing the entire 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 is made out for grant of leave to file appeal.

5. Application is accordingly rejected.

(A.S.GADKARI, J.)