

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

**CRIMINAL APPLICATION NO.27 OF 2018**

The State of Maharashtra

**... Applicant**

**V/s.**

Sachin Vitthal Mahadik

**... Respondent**

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

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

**DATE : 28<sup>th</sup> 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 13.07.2017 passed by the learned Judicial Magistrate First Class, Pune in Regular Criminal Case No.1620/2016, thereby acquitting the respondent for the offence punishable under Sections 324, 504 and 506 of Indian Penal Code.

2. Heard the learned APP and perused the record.

The record clearly indicates that, the weapon used in the present crime i.e. the stone was not produced by the prosecution before the Court. That, there is variance in the evidence of the witnesses about

the weapon used by the respondent in the crime. The alleged offence has taken place in the presence of various other witnesses. However, the prosecution has failed to examine any independent witness in support of its case. The evidence on record further indicates that, there was earlier enmity between the first informant and the respondent and therefore, the possibility of false implication cannot be ruled out.

3. 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 for grant of leave to file appeal is made out.

4. Application is accordingly rejected.

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