

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

CRIMINAL APPLICATION NO.29 OF 2018

The State of Maharashtra

... Applicant

V/s.

Mr. Mahammad Shafik Gulab Mulla

... Respondent

Mr. V.S. Mhaispurkar, APP for the Applicant 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 24.10.2016 passed in R.C.C.No.154 of 2016 by the learned Judicial Magistrate First Class, Court No.2, Vaduj, Dist. Satara, thereby acquitting the respondent for the offence punishable under Sections 324, 504, 506 of Indian Penal Code.

2. Heard the learned APP and perused the record.

3. The evidence on record indicates that, there was enmity between the injured/informant Mr. Mohammad Alli Mulla with the respondent. That, on the date of incident i.e. on 12.04.2013 it is alleged that the

respondent assaulted the first informant with a stone on his head. The Medical Officer in his testimony has admitted that, such an injury is possible due to a fall on hard surface and the said injury is simple in nature.

4. The evidence on record clearly indicates that, the prosecution has failed to substantiate the charge levelled against the respondent by leading cogent and sufficient evidence in that behalf.

5. 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.

6. Application is accordingly rejected.

(A.S.GADKARI, J.)