

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

CRIMINAL APPLICATION NO. 31 OF 2018

The State of Maharashtra	... Applicant
Vs.	
Dipak Vithoba Nikam & Ors.	... Respondents

Mr. A.R. Kapadnis APP for State.

CORAM : A.S. GADKARI, J.
DATE : 4th APRIL, 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 13.11.2017 passed by the learned Judicial Magistrate First Class, (Court No.3), Vaduj, in Regular Criminal Case No. 114 of 2014, thereby acquitting the respondents for the offences punishable under Sections 143, 147, 148, 323, 324 r/w 149 of the Indian Penal Code.

2. Heard learned A.P.P. and perused the record.

3. The evidence on record indicates that, Medical Officer (P.W.No.9) in his testimony has admitted that, the three scratches suffered by injured Yeshwant Nikam are possible due to fall on rough surface. It further appears that there was an earlier enmity between the complainant and accused persons. The evidence of injured witness

Sangita Nikam is full of contradictions and is not reliable. She has not narrated in detail which accused caused the injury by which weapon. The injuries suffered by her were simple in nature. It further appears that on the date of incident certain altercations took place between the parties which ensued into a scuffle and due to the earlier enmity the first informant lodged the report.

4. 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.

5. Application is accordingly rejected.

(A.S. GADKARI, J.)