

Dond

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

CRIMINAL APPLICATION NO. 142 OF 2018

Shri Ramchandra Shankar More

..Applicant

Vs

Shri Bhujang @ Nana Kadam & Ors.

..Respondents

Mr. Dilip Bodake for applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 5th APRIL 2018.

P.C.:

1] This is an application under Section 378 (4) of Cr. P.C. seeking leave to file an appeal against the Judgment and Order dated 3rd September 2016 passed by the Judicial Magistrate First Class, Mohol, District-Solapur in Regular Criminal Case No. 346 of 2003, thereby acquitting the respondent Nos. 1 and 2 from the offence punishable under Sections 324, 504, 506, read with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant. Perused the record.

3] The evidence on record clearly indicates that, the date of alleged incident is 3.9.2000 and the present complaint is lodged on

6.10.2000. It is the case of the applicant that, he was arraigned as an accused in C.R. No.291 of 2000 under Section 394 of the Indian Penal Code by the Mohol Police Station, District-Solapur and he was summoned to the police station after the sunset. The said crime was lodged by the rivals of the applicant. That when the applicant had been to the police station on 3.9.2000 at the behest of his rivals, he was assaulted by the respondent Nos.1 and 2 who were on duty as policemen at the said police station.

4] It is to be noted here that, in the said crime No.291 of 2000, the applicant was produced before the Magistrate on next date i.e. on 4.9.2000 however, he did not make any grievance about any ill-treatment meted out to him by the respondent Nos.1 and 2 who were working as police personnel with the said police station. As noted earlier, the present complaint is lodged on 6.10.2000 i.e. after the gap of about 30 days. The applicant has failed to explain the delay caused in lodging the said complaint. It further appears from the record that the applicant has failed to explain the fact that, what had prevented him from making his grievance before the Magistrate on 4.9.2000 about the alleged ill-treatment/assault committed by the respondent Nos.1 and 2. It appears from the record that the applicant has filed the said complaint belatedly only with due

deliberation and with a view to cause undue harassment to the respondent Nos.1 and 2.

Apart from the aforestated fact, the evidence on record clearly indicates that the applicant has failed to prove the guilt of the respondents beyond reasonable doubt by adducing sufficient and cogent evidence in that behalf.

5] After perusing the entire record, this Court is of the 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.

6] No case for grant of leave to file appeal is made out.

Application is accordingly rejected.

(A.S.GADKARI, J.)