

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

***CRIMINAL APPELLATE JURISDICTION***

**CRIMINAL APPLICATION NO.54 OF 2015**

**(For Leave to file an Appeal)**

The State of Maharashtra ] .... Applicant

Versus

Datta Mahalu Gaikwad & Ors. ] ... Respondents

Mr. V. V. Gangurde, APP for Applicant - State.

Mr. U. R. Mankapure for Respondent Nos.1, 3, 4 & 10.

**CORAM :- B. R. GAVAI &  
SARANG V. KOTWAL, JJ.**  
**DATE :- 14 AUGUST, 2018**

**P. C. :-**

1. By the present Application, the State seeks leave to Appeal against the Judgment and Order dated 04/02/2015 passed by the learned Additional Sessions Judge, Barshi, in Special Case No.22 of 2014, thereby acquitting the Respondents - accused of the offences punishable under Sections 307, 325, 324, 323, 504, 506, 143, 147 and 148 read with 149 of the IPC and under Sections 3(1)(10) read with 6 of the S.C. & S.T. (Prevention of Atrocities) Act and under Section 7(1)(D) read with 10 of the Protection of Civil Rights Act.

2. Mr. Gangurde, the learned APP, states that though the injured witness Balbhim suffered grievous injuries, the learned trial Judge has ignored his evidence and acquitted the accused.

3. The learned trial Judge, upon considering the material placed on record, came to the conclusion that the incident was an outcome of rivalry between the two groups, one led by the accused no.1 and the other led by one Raje-Bhosale. The learned Judge found that though the incident had occurred in a busy locality and though the police outpost was in the village itself, neither the police party nor the police outpost was informed about the incident. It has further been found that the injuries sustained were not sustained with the weapons alleged to have been used by the accused. The learned trial Judge, therefore, found that possibility of false implication on account of the previous rivalry, could not be ruled out.

4. No interference or impossibility is noticed to warrant interference. Hence, the Application is rejected.

**(SARANG V. KOTWAL, J.)**

**(B. R. GAVAI, J.)**