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

CRIMINAL APPLICATION NO. 505 OF 2015

Smt. Mrunal Deepak Khandagale

..Applicant

Vs

Mr. Ashish Ashok Kedare & Ors.

..Respondents

Mr. Ajay Varma for applicant.

Mr. V.V. Gangurde, 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 appeal against the Judgment and Order dated 5th October 2015 passed by the Judicial Magistrate First Class, Pali in Summary Criminal Case No. 42 of 2013, thereby acquitting the respondent Nos. 1 and 2 for the offence punishable under Sections 323, 352, 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 indicates that, there was earlier enmity between the parties inter-se on the ground of landed property and on the

date of incident when the respondent Nos.1 and 2 were erecting a pandol on the land of the applicant she objected it and there was scuffle between the applicant and the respondent No.1 and thereafter she had lodged one N.C.Complaint.

4] The evidence on record indicates that the testimony of the applicant is full of omissions and contradictions. The evidence on record further indicates that, the alleged injuries which were suffered by the applicant were possible due to fall on the land/soil. There is no independent witness to support and/or corroborate the version of the applicant. There is civil litigation pending between the parties inter-se. The Trial Court has given benefit of doubt to the respondent Nos.1 and 2.

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.)