

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 142 OF 2017  
The State of Maharashtra vs. Sanjay M. Jadhav and ors.

|                                                                                                            |                           |
|------------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
|------------------------------------------------------------------------------------------------------------|---------------------------|

Mr.V.V.Gangurde, APP. for the State.

Mr. Hamid Mulla for Respondent Nos. 1 to 3.

CORAM : A.S.GADKARI, J.

DATE : 03<sup>rd</sup> May, 2018

P.C.

1. This is an application under Section 378(3) of the Cr.P.C. for leave to file appeal against the Judgment and Order dated 5.8.2017 passed by 3<sup>rd</sup> Judicial Magistrate First Class Pandharpur in R.C.C. No.217/2003 thereby acquitting the respondents for offence punishable under Sections 324, 504 and 506 read with 34 of the Indian Penal Code.

2. Heard the learned APP. and the learned counsel for the respondents.

3. It is the case of the prosecution that, the first informant Ashok Mane was having dispute with the respondents over the landed property and in particular

over the agriculture field. That, on the date of incident i.e. 26.8.2003 it is alleged that the respondents assaulted the first informant Ashok Mane with sticks, fist and kick blows wherein he suffered injuries to his ribs, chest, waist and back. After completion of investigation the police submitted charge sheet. The Trial Court by impugned Judgment and Order acquitted the respondents.

3. The evidence on record clearly indicates that, the Medical Officer namely Dr. Paras Raka (P.W.7) has admitted in his cross examination that he examined the first informant and found injury of contusion over rib gage of both the sides and arrived at conclusion that there was fracture to his ribs however, he did not conduct the x-ray examination of the first informant. It further appears from the evidence of the injured that, there are lot of omissions in his evidence. It further appears from the record that the evidence of alleged two eye witnesses is full of contradictions and omissions. It is the defence of the respondents that, due to enmity between the parties over the agriculture field, the first informant has falsely

implicated them in the present crime. I find substance in the defence of the respondents.

4. After perusing the entire record, this Court is of the opinion that, the view expressed by the Trial Court is a reasonable and probable view in the facts and circumstance of the present case.

No case for grant of leave is made out.

5. Application is accordingly rejected.

(A.S.GADKARI, J.)