

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.673/2018

IN

CRIMINAL APPEAL NO. /2018

The State of Maharashtra, through Police Station Officer, Police Station,
Mouda, Tah. Mouda, Distt. Nagpur

..Vs..

Komal S/o Mahadeoraoji Thote

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. S.V. Kolhe, A.P.P. for the applicant / appellant.

CORAM : Z.A. HAQ, J.

DATE : 27.9.2018.

The State has filed appeal to challenge the judgment passed by the learned Magistrate acquitting the respondent / accused of the charge of commission of offence punishable under Section 294, Section 506 and Section 324 of the Indian Penal Code. The State seeks leave to file the appeal. As there is delay of about 26 days in filing the appeal, this application is filed.

The facts on record show that the respondent / accused is prosecuted on the accusations that because of some dispute regarding use of dhura and removal of crops, the accused abused the victim and assaulted him on his head by a stick. The learned Magistrate has recorded that the testimony of Kumud (P.W.3) and Sayatribai (P.W.4) is not reliable. The facts on record show that there had been enmity between the accused and the informant since prior to the incident.

In the facts of the case, I am not inclined to even issue notice of this criminal application calling upon the respondent / accused to show cause why delay in filing appeal should not be condoned. The criminal application is **dismissed**. Consequently, the prayer for grant of leave is rejected and criminal appeal is also rejected.

JUDGE

Tambaskar.