

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO.686/2018

Sanjiv s/o Vishwasrao Gedam (Victim) .vs. State of Maharashtra through
SDPO Sindewahi, Chandrapur and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. Akash Sorde, Advocate holding for Mr. H. P.
Lingayat, Advocate for applicant.
Mr. N. S. Rao, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 7, 2018

This is an application seeking leave to file an appeal challenging the judgment and order of acquittal passed by learned Additional Sessions Judge-3 and Special Judge, Chandrapur in Special (Atrocity) Case No.1/2010 whereby the Court below acquitted the respondent of the offence punishable under Section 3 (i) (x) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.

I have heard Mr. Sorde, learned counsel holding for Mr. Longayat, learned counsel for the applicant. I have also perused the notes of evidence filed along with application and also perused the impugned judgment.

After perusing the aforesaid material, it is clear that the complainant is teacher and employee of the school where the respondent-accused is working as

Head Mistress. The Court below, after considering the evidence of the Sanjiv Gedam (PW1) found that the said evidence is not corroborated by Omprakash (PW2), Vilas (PW3) and Manjusha (PW5), who were present. It is also brought on record that there is enmity in between the complainant and accused. On the basis of said evidence, the Court below passed the order of acquittal.

Perusal of the impugned judgment shows that the Court below has supplemented good reasons for acquitting the respondent Head Mistress. By now, the law for consideration of the appeal against the acquittal is well crystalized. Merely because another view is possible, the appellate Court should not substitute its own view in place of the view taken by the Court below, if it is noticed that the view taken by the Court below is based on the available material in the prosecution case.

In that view of the matter, I see no reason to interfere with the well reasoned judgment given by the Court below. Consequently, I refuse the leave to file the appeal against acquittal. Consequently, the application seeking leave to file the appeal and also appeal against acquittal stand rejected.

JUDGE