

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

CRIMINAL REVISION APPLICATION NO.295 OF 2005

Mrs. Sangita w/o. Sunil Jadhav,
Age: 30 years, Occu. Household,
R/o. Shelarwadi, Serve No.528 1-1/3
Dhule. **.. APPLICANT**

VERSUS

1. Mr. Sunil s/o. Popatlal Jain,
Age: 40 years, Occu. Advocate,
R/o. Sambhappa Colony, Dhule.

2. The State of Maharashtra

.. RESPONDENTS

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Mr.Chaitanya C. Deshpande, Advocate holding
for Mr.C.R.Deshpande, Advocate for the
applicant.

Mr.S.Y.Mahajan, Additional Public Prosecutor
for respondent no.2 - State

Mr.B.R.Warma, Advocate, along with
Mr.M.G.Kochar, learned counsel for respondent
no.1.

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CORAM: V.M.DESHPANDE, J.

DATE : 08.04.2019

JUDGMENT:

1] By the present Revision Application,
the original complainant is challenging the
judgment and order of acquittal passed by the
learned Chief Judicial Magistrate, Dhule in

S.T.C.C. No.7940 of 2001, whereby the Court below acquitted respondent no.1 for the offences punishable under sections 448, 504, 506 and 509 of the Indian Penal Code.

2] I heard Shri Chaitanya C. Deshpande, learned counsel for the applicant, Shri S.Y.Mahajan, learned Additional Public Prosecutor for respondent no. 2 – State and Shri B.R.Warma, learned counsel for respondent no.1.

3] In order to bring home guilt the prosecution examined in all four witnesses. PW-1 is the present applicant – original complainant. Her evidence would show that on 17.07.2001, a quarrel took place at public water tap between herself and Prakash and his wife, resulting into the lodgment of the cross complaint. They were called for enquiry at Police Chowki, at that time her child was milk-sucking child, therefore, she returned

immediately. According to the prosecution, when she reached to her home, her child was crying and her sister-in-law PW-2 Ujjawala worked outside. When the complainant was breast-feeding, that time through window, she noticed the presence of Prakash and one unknown person on scooter, and according to the prosecution, the said unknown person came inside the house and gave threat to her and left away. According to the evidence of the complainant, the identity of the said unknown person was disclosed to her by PW-2 Ujjawala. However, PW-2 Ujjawala's evidence, if minutely examined, she was not present at the time of incident. According to the prosecution, respondent no.1 is an Advocate of her adverse party. The Court below, after appreciating the evidence, found that the prosecution has not proved its case beyond reasonable doubt against respondent no.1 as his identity is not properly proved.

4] After acquittal, the State did not prefer any Appeal against the acquittal. The scope of Revision is very limited. After perusal of the impugned judgment and after hearing the learned counsel for the applicant, the learned counsel could not point out any perversity in the impugned judgment warranting any interference from this Court. Hence, the present Revision Application is rejected. Rule stands discharged.

[V.M.DESHPANDE]
JUDGE

DDC