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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ALS NO.6 OF 2019

The State of Maharashtra	... Applicant
Vs.	
Hanumant Sunil Thorat and Ors.	... Respondents

Ms. P.P. Shinde, APP for the Applicant.
Mr. Sachin Thorat for the Respondents.

CORAM : A.S.OKA AND
A.S. GADKARI, JJ.

DATE : 7th JANUARY 2019.

P.C. :

1 Heard the learned APP for the State. The State has sought leave to prefer an appeal against the judgment and order dated 29th July 2017 passed by the learned Additional Sessions Judge, Solapur. The respondents were charged with the offences punishable under sections 498-A, 504, 506 of Indian Penal Code and section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with section 7(1)(d) of Protection of Civil Rights Act 1955. The first respondent – first accused is the husband of the first informant. The learned APP has taken us through the notes of evidence and urged that prosecution case ought not to have disbelieved only on the basis of delay in lodging FIR.

2 According to the case of the prosecution, the incident on the basis of which the offence was registered is of 24th April 2013. PW-1 lodged complaint on 5th June 2014. As noted by the learned Additional Sessions Judge, one month prior to 5th June 2014, PW-1 had stayed with her brother for four days when she had disclosed alleged incident to her brother. After having perused the evidence, we find that there is no explanation offered by the prosecution for the gross delay of more than one year in lodging FIR. Moreover, perusal of the evidence of PW-1 shows that the allegations made by her are very vague in nature. After having perused the evidence of PW-1, we find that the view taken by the learned Additional Sessions Judge is certainly a reasonable and probable view which could have been taken on the basis of evidence on record. Hence, no case is made out for grant of leave. Application for leave is rejected.

(A.S. GADKARI, J.)

(A.S.OKA, J.)