

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

**CRIMINAL APPLICATION (APPA) NO.255 OF 2019**

(The State of Maharashtra thr. PSO PS Ashti, Dist. Wardha Vs. Vinayak s/o Narayan Hedau)

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

*Court's or Judge's orders.*

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Shri N.B. Jawade, APP for Appellant/State.  
Shri D.L. Dharmadhikari, Advocate for Respondent.

**CORAM: ROHIT B. DEO, J.**

**DATE: 12<sup>th</sup> JUNE, 2019.**

Heard.

2] This is an application for condonation of delay of 53 days in filing application for leave to appeal against the judgment of acquittal.

3] For reasons stated in the application, the delay is condoned.

**Criminal Application No. \_\_\_\_/2019:**

The State is seeking leave to appeal.

2] The learned Magistrate has acquitted the non-applicant – accused for offence punishable under Section 354-A(2) of the Indian Penal Code.

3] The alleged incident took place at 08:30 a.m. at a bus stop. PW 1 alleges that the accused, who is a Tempo Trax Driver, asked her to board in the vehicle, which she refused. The accused is alleged to have caught hold of the hand of PW 1 who was rescued by PW 4 Laxman.

4] The previous strained relationship between the family of the complainant and the accused has come on record.

5] The learned Magistrate has appreciated the evidence of the material eye witnesses and recorded a finding that the prosecution has not brought home the charge beyond reasonable doubt. The learned Magistrate has considered the evidence of Bhimrao who is examined on behalf of the accused.

6] The defence is that there is an altercation at the spot between the accused and the father of the complainant i.e. PW 2 and the complainant PW 1 pelted stones on the vehicle. The defence is that the First Information Report lodged by the complainant is only to wriggle out of consequences of the role played by PW 1 and PW 2 in the alleged altercation.

7] The learned Magistrate having arrived at a conclusion which is a possible and at any rate a plausible conclusion, I am not inclined to grant leave to the State to

appeal against the judgment of acquittal.

8] No case is made out for grant of leave.  
The application is rejected.

**JUDGE**

NSN