

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 354 OF 2019**

Savata Bajrang Yadav] ...Appellant
Versus
The State of Maharashtra & Ors.] ...Respondents

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Mr. Ujwal R. Agandsurve, for the Appellant.
Ms. M. R. Tidke, APP for State.
Mr. Shashikant Chaudhari i/b Maharashtra Law Associates, for
Respondent Nos.2 to 6.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 10TH FEBRUARY, 2020.

P.C:

. This is an appeal under Section 372 of the Criminal Procedure Code by the original informant/complainant against the impugned Judgment and order of acquittal by the J.M.F.C. Vaduj on 25th January 2019.

2. Respondent Nos.2 to 6 have been charge-sheeted under Section 143, 147, 148, 324, 325, 504 and 506 r/w Section 149 of the Indian Penal Code. After investigation, a charge-sheet had been filed and the trial commenced before the learned J.M.F.C. After recording the evidence of as many as six witnesses, the learned J.M.F.C., by the impugned Judgment, noted various material discrepancies in the testimonies of the prosecution witnesses and ultimately acquitted the respondents No.2 to 6 of all the offences with which they were charged.

3. Heard learned Counsel for the appellant who took me through the

evidence of the witnesses emphasizing more on the testimonies of the two Doctors who alleged to have opined that the informant PW-1 had sustained fracture of his right middle finger/middle phalanx. The middle finger of the informant PW-1 was required to be amputated because he was suffering from Diabetic.

4. Even though, the incident in question alleged to have been occurred on 18th April 2016, the informant came to be examined by PW-5 Dr. Siddharth Lonari on 30th April 2016 i.e. almost after 15 days for which there is no satisfactory explanation on record.

5. Similarly, another witness PW-8 Dr. Surendra Pol who appears to be holding a Diploma in Orthopedic testified that on 30th June 2016 he performed a surgical operation. No doubt, the injury in question was grievous in nature, yet, no explanation for the delay is fatal to the prosecution case. Admittedly, the informant and the respondents are siblings and there are several disputes pending in Civil Court, Vaduj.

6. After going through the evidence of prosecution witnesses and the impugned Judgment, I am of the view that the view taken by the Trial Court is a possible view and therefore, it would not be just and proper to interfere with the Judgment of the acquittal rendered by the learned J.M.F.C. Since there is no substance in the appeal, it is dismissed.

[PRITHVIRAJ K. CHAVAN, J.]